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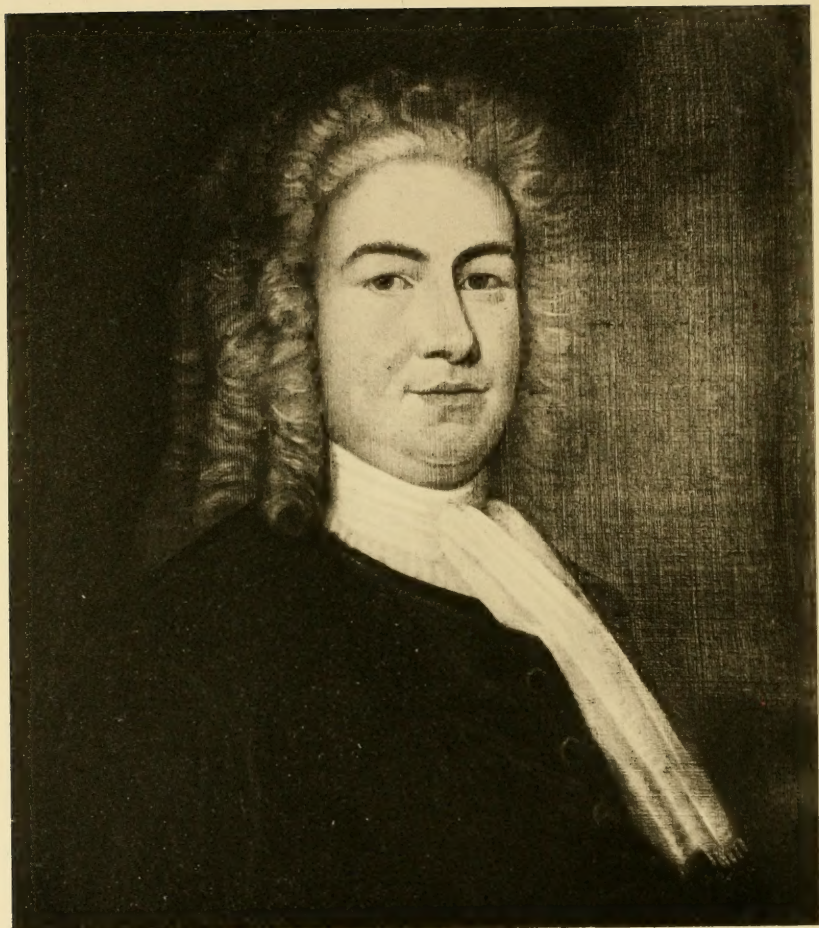
JOURNALS OF THE HOUSE OF REPRESENTATIVES
OF MASSACHUSETTS

VOLUME X

Committee of Publication

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SAMUEL ELIOT MORISON
CHESTER NOYES GREENOUGH
HENRY WINCHESTER CUNNINGHAM
FREDERIC WINTHROP
WORTHINGTON CHAUNCEY FORD



MHS

William Burnett
Governor of the Province of Massachusetts Bay
1728-29

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174

JOURNALS

of the
House of Representatives
of Massachusetts

1731-1732

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Introduction

ON January 2, 1731, Governor Belcher dissolved the General Court, in order that the people of the Province might show their obedience and loyalty to the King, and their tender care of their liberties and privileges, by electing a new Assembly which should comply with the royal instructions on a fixed salary for the Governor. Writs were issued and the General Court summoned to meet on February 10. This volume contains the Journals of the House of Representatives from February 10 to April 24, 1731, when it was dissolved by the Governor. A new General Court assembled May 26, 1731, and held two sessions: the first extending from May 26 to November 9, 1731, when it was prorogued to December 1; and the second from December 1, 1731, to February 2, 1732, when it was prorogued, but did not again assemble.

The question of the Governor's salary formed the principal business and controversy of these two General Courts. Governor Belcher's opening speech expressed the hope that the members had come together "to be the happy Deliverers of your Country from the Troubles and Difficulties that still hang over it," but then touched upon their attitude towards his salary and the resulting dispute with the Crown. "It has been with Indignation that I have sometimes heard without Doors, That we must act as if we had a bad King, and a bad Governour."¹ He urged the King's grace and favor, the ingratitude of the Province toward the "best Monarch upon Earth," and the penalties certain to fall upon them should they persist in refusing to meet his just expectation. Coming to a vote the House refused to act "by a very great Majority."² A few days later it determined that it would not settle a salary on the Governor during his administration, but proposed a Committee from Council and House, to consider "what may be proper to be done by this Court for the Support of His Excellency the Governour." Even that apparent concession was reversed on the following day and a committee of the House alone provided for.³ Thus opening, the session gave little promise of fulfilling Belcher's hope of a better understanding and agreement.

After rejecting one bill for the support of the Governor and substituting another,⁴ the House not only rejected a proposal for a joint committee, but refused to make any grant for that purpose "for any limited Time."⁵ On the following day a committee of conference was asked for by the House which the Council refused, the point on which the refusal rested being that while the House asked for a conference upon a particular bill, the Council wished to consider the whole question of a support for his Excellency.⁶ The importance given to the issue became obvious in the appointment by the House of an unusually large and weighty committee, on which may be found all the leading members of the

¹ 4.

² 9.

³ 18, 19.

⁴ 48.

⁵ 63.

⁶ 67, 73.

House, to consider it.¹ The draught of a bill was speedily reported and the members of the House asked to attend at the time fixed for its second reading.² A long debate followed, probably of an unsatisfactory nature, as the bill was refused engrossment, equivalent to a defeat.³ In its own defense the House sent to the Council its reasons for not complying with the King's instruction (No. 27) on a salary for the Governor — "a Compliance therewith would Disserve the true Interest of this Province in diverse Respects" — and as the Governor was by the instruction prohibited from receiving a grant of money from the treasury, however ample and honorable, the House proposed that the King be asked to withdraw the objection to a grant as had Queen Anne on a like occasion.⁴ This brought to a direct issue the differences between the two bodies forming the General Court and the Governor sharply lectured the House for their vain and fruitless endeavors to obtain what the King had expressly disallowed. He laid down the rule to be applied to accounts and what steps should be taken on the outstanding bills of credit of the Province.⁵

A stated salary for the Governor was only one of the disputes, inherited from his predecessors in office, which involved Belcher in discussions with the House of Representatives, and even with his Council, his official advisers. Money bills and the manner of paying accounts against the Province were involved. The old controversy between the House and Council on the payment of public charges continued to rage. The House insisted that such payments should be made according to "such Laws and Orders as are in force," or to "discharge the several Grants of Money made or to be made by the Court in this Session, and for no other Use, Intent or Purpose whatsoever." As it was "more particularly their Province," it continued, "to raise Taxes on the People, so 'tis incumbent on them to take Care that there be no Misapplication thereof."⁶ Knowing there was room for difference of opinion the House committee of audit closely scrutinized the accounts of the Treasurer and criticized payments made or withheld contrary to its orders. Against that position Governor Belcher brought up a Royal Instruction (No. 30) which supported his contention, as well as that of the House. The instruction left to the Governor and Council the passing of all accounts and issuing of money for payment, but subject to a future inquiry of the Assembly as to the application of such moneys⁷ — apparently a fair arrangement, as the certainty of a subsequent investigation would serve as a check upon questionable or improper application of the public money.

The regular annual move for an issue of bills of credit to supply the treasury appeared early in the session.⁸ The phrase "according to the royal charter" imposed limitations on the authority of the Governor to approve such bills and he had, as in duty bound, shown himself averse to lifting those limitations. The merchants were generally in favor of new issues and debtors found advan-

¹ 91. ² 93. ³ 97. ⁴ 99, 101, 102, 107. ⁵ 104. ⁶ 62. ⁷ 66. ⁸ 74.

tage in them. Jacob Wendell and other merchants of Boston asked for bills of credit in a new form, to be given out "upon Real Security in double the Value" and to be repaid into the treasury within a period of five years, at the rate of seventeen shillings per ounce, or Gold in proportion. Should the Province be unwilling to embark upon such a loan venture, Wendell and his associates asked to be incorporated, that they might carry on such an affair in their private capacity. After some debate the consideration of the memorial of Wendell was postponed to the next session, and a bill for the issue of £20,000 for supplying the treasury passed the House, but was rejected by the Council.¹ On a second attempt the Council introduced such amendments as to make the measure unacceptable to the House.² Perhaps the retort of the Governor on providing for the bills of credit already existing may have led the House to reduce its proposal in a new bill to one of £14,000, in the hope that he would accept the less sum as a concession. It was at once returned without the concurrence of the Council.³ A conference proposed by the House was couched in such language as to open new cause for explanation and demonstrated that whatever had been done by the House the matter in controversy remained the same. The Council refused to enter into a conference until the House had passed a bill for the supply of the treasury, "agreeable to the Powers of the Governour and Council, as well as the Priviledges of the People, according to the Royal Charter." No concession could be found in such a demand and it only remained to the House to make as firm a statement of its own case. In unmistakable and hardly conciliatory terms the question of accounts received detailed examination and the Council was asked to reconsider the bill they had in which they had non-concurred.⁴ While this message was under consideration of the Council the House prepared and sent up a third bill calling for £6,000 for supplying the treasury and accompanied it by a further defense of its conduct, as unacceptable to the advisers of the Governor as the last statement. A deadlock ensued. The House voted the regular "grants" to all but the Governor, and "with great Reluctancy" prepared a new measure — for £6,000 — which the Council accepted.⁵ On the same day, April 24, the Governor dissolved the Great and General Court.⁶

On opening the new General Court Governor Belcher recommended a compliance with the King's instruction on the Governor's salary — "whereby you may reconcile your selves to the King's favour and paternal Regards" — pointed to the empty treasury and expressed his pleasure that the old difficulty on supplying the treasury "did not lye before you," as the last Court had met the requirements of Royal charter and instruction, while addressing the King for a change in conditions imposed.⁷ A tax measure was promptly introduced, but

¹ 76, 83, 87, 89.

² 100.

³ 104, 108, 109.

⁴ 119, 120, 122.

⁵ 126, 132; *Mass. Acts and Resolves*, III. 593.

⁶ 132.

⁷ 140.

the Governor's position on the Royal Instruction No. 27 — covering a salary — opened a long debate.¹ The usual conclusion, that of refusing to fix a salary and of providing for the Governor's support, gave little hope of a final settlement of the vexed question.² The bill for a grant to Belcher of £2,000, prepared with little prospect of its becoming a law, passed through the necessary stages in the House,³ as did a supply bill. Governor Belcher threw out both measures.⁴ With this recurrence of the hitherto and seemingly present insoluble question the House returned to the doubtful measure of a humble address to the King, that he would permit the Governor to "receive such Sums of Money as shall be from time to time granted him" and that he would withdraw the thirtieth instruction.⁵ This at best would be but a temporary remedy, as the determination of the British administration to insist upon a fixed salary for the Governor was well known. Only with such a salary could the Governor serve his King, without fear of the punishment of a reduced or withheld compensation by the House of Representatives.

June 29, 1731, a bill, read for the second time, provided for "making and emitting the sum of Fifty Thousand Pounds in Bills of Credit on this Province, Redeemable by Silver and Gold," and after much debate was referred back to the committee reporting it for amendment. The House passed it July 2 and four days later again received it from the Council with amendments. All the amendments save one were accepted. The Council would not yield and made another change in the measure, equally unpalatable to the House. A conference smoothed part of the difference, but other modifications created the old situation of serious difficulties to agreement.⁶

A measure for the immediate supply of the treasury, calling for £5,400, was passed on June 29, and, on July 7, a second bill for £7,947 6s.⁷ The one did not receive the consent of the Governor and the second had not been acted upon when the House impatiently called his attention to the failure of supply, asserted it had gone as far as possible, "without manifest Prejudice to the just Rights and Privileges of the People," and asked for a recess.⁸ Eight days passed before the Governor replied. In the meanwhile he had summoned the absent members of the Council and on their assembling had asked the Council's opinion, whether the supply bill, passed by the House and concurred by the Council, was conformable to the thirtieth royal instruction? Also, whether it would be for the King's honor and service, or consistent with the necessary defence of the Province to permit the Court to rise before it had made a sufficient supply of money to the treasury? To both questions the Council answered in the negative.⁹ The House then asked for an adjournment until its absent members could come from a distance,¹⁰ but only secured the week-end adjourn-

¹ 141, 142, 147.² 144.³ 148, 155.⁴ 170.⁵ 171.⁶ 200, 204, 207, 208, 211, 212, 216.⁷ 199, 208.⁸ 219.⁹ 228.¹⁰ 229.

ments. Kept in session against their will the members gave attention to the Governor's message of July 28, on the supply of the treasury and determined to "consult their Principals" before taking action on his suggestion. A representation was prepared, reported August 14, adopted August 18, and was not only spread on the Journal of that day but issued in a separate form for circulation throughout the Province.¹ An able résumé of the questions involved in the differences between the House on the one side, and the King and his representatives on the other, it sums up what had occurred in earlier years and lays down the principles to be deduced from precedent and from considerations of prudence against releasing control over the ways and means of Provincial finance. Something more than the mere appropriation and expenditure of money was involved, — some political features destined to grow in importance until the War for Independence. The House, jealous of interference in money matters, took ground which Governor Belcher could not accept without a complete surrender of whatever independence the royal instructions seemed and wished to confer. In appealing to the voters the House took a step indicating the extremity to which its controversy with the Governor had reached. Pending a reply the House answered the Governor's message of July 28, giving no sign of retreating from its position. In fact, it put the matter in a state of suspense, until the reply of their constituents in town meetings had been received. Until that time the House asked for a recess.² The Council advised the Governor to grant the request.³ He sent a message in reply to the public representation of the House and adjourned the General Court to September 22 — almost a full month.⁴

The House assembled on the day named, sat until October 6, when the Governor adjourned it to November 3. In that time no supply bill was brought forward nor was the subject mentioned in any manner. Adjournment producing no change in the opinion of the Representatives, on November 9 the General Court was prorogued to December 1, and the Journal still maintained its silence on supply. The Governor laid the affairs of the Province before the General Court once more at length, reminding it of the happiness of being under so good a King and touched lightly on the mooted questions of a salary for the Governor and a supply for the treasury.⁵ He submitted at the same time a further Royal instruction, adopted August 31, 1731, in which Belcher was granted permission to accept the £5,400 voted to him June 8, because he had received nothing from Massachusetts-Bay since his arrival in the Province. It was, however, expressly provided that in giving such permission it was not the intention to "enervate or in any wise to invalidate or take from the Force" of the instruction requiring

¹ 239, 247; *Extract from the Journal of the Honourable House of Representatives*. Boston: 1731. pp. 14, fol.

² 266.

³ 271.

⁴ 272, 274.

⁵ 300.

a fixed salary for the Governor, which Belcher should again recommend to the next Assembly "in the strongest Terms, — as the only Manner that can be acceptable to Us."¹

The House acted promptly, so far as sending to the Council for the supply bill that had failed in the earlier session;² but nine days passed before a new bill was reported, with an unusual caption: "An Act for granting to His most Excellent Majesty the Sum of ——— in Bills of Credit on this Province, for the Ends and Uses in the Act mentioned, and for Supplying the Treasury," etc.³ Proving unsatisfactory the supply bill was referred back after a second reading, "to be taken into a new Draught," which new form was passed to be engrossed on December 16.⁴ The act for granting to the King was filled in with the sum of £20,000, and on December 21, passed to be enacted. After three days the Governor summoned the House to attend in the Council Chamber and there declared that the bill was directly contrary to the tenor of the charter and to the royal instruction, and, in refusing his assent, he gave warning that he would reject any other bill of the nature that should be laid before him.⁵ If the House sought to obtain by indirection what they had not been able to obtain directly the plan failed. It prepared a general examination of the Governor's message of December 2, taking up each item of recommendation. It assured him of its wish to give him an honorable support and reported that only two towns in the Province had given direction to supply the treasury as required by the thirtieth Royal instruction.⁶ Wearied by its unavailing efforts to secure the assent of the Governor to its financial measures, the House refused to give further consideration to the matter of supplying the treasury and named a committee to prepare a new remonstrance to be sent to the Governor.⁷ Yet three days later the measure for making and emitting £50,000 in bills of credit, to be redeemed by silver and gold, was revived, had its second reading five days later and at the end of two days more was passed to be engrossed.⁸ The Council approved with amendments, to one of which the House could not accede;⁹ but, on January 20, the House passed it to be enacted — the final stage in its procedure. The remonstrance to the Governor was submitted to the House on the same day and entered upon the Journal. Nor was the matter to end there. A statement of what the House had done on the question of supply was to be sent to its agent in London, to be used as might best advance its position.¹⁰ The session, drawing to a close, had not been fruitful in results. Again the Council had given its approval to the bill for £50,000 in bills of credit and earnestly desired the Governor to give his assent.¹¹ Hardly had information of this action on the part of the Council been communicated to the House before it received a summons to attend the Governor in the Council Chamber. He again went through the heads

¹ 302.² 305.³ 316.⁴ 320, 322.⁵ 334.⁶ 336.⁷ 347, 348.⁸ 351, 358, 362.⁹ 370.¹⁰ 378, 383.¹¹ 411.

of the controversy over supply, laid the blame for failure to the House, and prorogued the General Court to March 29, but did not again summon its assembling. So far as the leading issues between the House of Representatives and the Governor, or rather, between the popular branch of the General Court and the King, were concerned, no progress had been made towards a permanent settlement. The real question, intimately connected as it was with the independence in money measures of the tax-voting legislature, remained open for future General Courts to deal with and, in so doing, to educate the people in political theory.

If the House proved sensitive on the matter of accounts the Governor called the House to book for taking upon itself to adjourn for three days in open violation of the charter. "If you are weary of the Liberties of your Country," he said in a curt message, "I don't believe your Constituents are: . . . I hope I shall never have Occasion to observe these Things to you again, by your repeating so dangerous a Practice."¹ In its reply the House pointed out that it had sat on Saturday and on Tuesday, between which days were only the Lord's day and Monday. If the Lord's day were counted as a Court day only two days were in the period of adjournment — the very words of the Explanatory charter. If the Lord's day was not a Court day, the adjournment had been for one day only. In either case the House had only followed the example of the Governor, who had adjourned the Council for the same period.²

On June 10, 1731, the House, after a long debate, agreed to concur in the report of the Council favorable to the plan of the Boston merchants,³ but the Journal does not show what form the proposal finally took. It probably was that of a corporation, privately managed. It is evident that the following tract was issued in support of this plan: *Money the Sinews of Trade. The State of the Province of the Massachusetts-Bay Considered, with respect to its Trade for want of a Medium of Exchange wherewith to manage it. Recommended to the serious Consideration of the Trading part in general, more especially to the Merchants and Traders in the Town of Boston. By a Lover of his Country.* Boston, N. E. Printed by S. Kneeland & T. Green in Queen-Street. 1731. Mr. Andrew McF. Davis, whose knowledge in such matters was unexcelled, reprints the tract in his *Colonial Currency Reprints* (Prince Society), II. 431, and it had been once before reprinted by Robert Lenox Kennedy, in 1880, because, as Mr. Davis suggests, the writer proposes a bank which should be at once a bank of issue, a bank of deposit, and a bank of loan, a combination unheard of before that time in this country. A second tract had appeared in this year, entitled: *Trade and Commerce inculcated; in a Discourse, Shewing the Necessity of a Well-governed Trade, in order to a Flourishing Common-Wealth. With some Proposals for the bringing Gold and Silver into the Country for a Medium of Trade, as also for the*

¹ 213.² 216.³ —, *supra* 150, 163, 166.

better Supporting the Credit of the Paper Currency. By Amicus Reipublicæ. Printed for the Author. 1731. Its terms, too obscure for definite application, may have been connected with some proposed action by the General Court, but its interest chiefly lies in the evidence it brings of the lively discussion prevailing on financial measures. The projector was shown in another more ambitious scheme for the emission of £300,000 in bills of credit, which came only to a vote of no consideration.¹

Connected with the currency problem was the demand by officers of the government that their fees should be paid in silver. Not only did this demand greatly increase the burden of the fees, but it tended further to lower the estimation of the paper bills of credit, already at a heavy discount, and constituting the only circulating medium of the Province.² At the same time the House took notice of a move on the part of "some wicked and ill disposed Persons" to obtain the King's disapproval to an act making the bills of credit a "tender."³ The two questions were related. By law and constant usage the bills of credit had for many years "answered as well the publick Debts and Taxes on the Government, as all private Debts, (Specialties and express Contracts only excepted,)" and for court officers to refuse them at their face value in payment of their fees, would "greatly disturb the Quiet, and hurt the Interest of the Province."⁴ The House prepared a representation for its agent in London, but the situation appears to have been met by the resolution adopted February 2, 1732.⁵ Again is found in the *Colonial Currency Reprints* (II. 446) an issue of two leaves, *Lex et Libertas*, dated January 31, 1732, on the question.

With money the idea of extortion was present, and twice did Belcher recommend more severe penalties for "excessive usury," without result.⁶

Governor Belcher favored laws for the better supporting and countenancing Piety and true Religion, and would take advantage of peace to employ active and capable men to "traverse the Wilderness, and make themselves well acquainted with the more remote and distant parts of the Province, as well as to lay out and make commodious Roads on the whole length of the Frontiers" — a reminder of the little real knowledge of the "wilderness" that lay west of the Connecticut River.⁷ The House also took a hand in watching over the safety of church and Province. April 9, 1731, it raised a question on several expressions contained in a printed sermon by Rev. John Greenwood, preached at the ordination of a brother minister at Southborough, which "the House apprehend may have a Tendency to subvert the good Order of the Churches and Towns within this Province."⁸ It appointed a committee and asked the Council to join with it in determining what might be proper for the Court to do, but nothing came of it so far as the record shows. A bill for taking away the "benefit of

¹ 362.² 372, 408.³ 381.⁴ 410.⁵ 411.⁶ 5, 337.⁷ 5.⁸ 113.

clergy" from criminals passed the Council and reached its third reading in the House, but failed of passage.¹

The position of French Protestants led to a general act naturalizing Protestants of foreign nations inhabiting the Province;² and the long standing grievance of the Quakers also received a solution for five years.³

A proposed committee to visit Harvard College, "to acquaint themselves with the Constitution of that Corporation, and to inquire into the present State and Situation of the Affairs of that Society; as likewise to inform themselves of the Conveniences and Inconveniences of the Lodgings, (more especially those in *Stoughton* College)," failed, because of a disagreement upon it between the Council and the House of Representatives.⁴

Two sermons were printed by order of the House of Representatives. Rev. John Webb preached on "The Great Concern of New England," at the Thursday Lecture, February 11, 1731;⁵ and Rev. Samuel Fisk, chosen in place of Rev. Nehemiah Walter who declined, preached the election sermon, May 26, 1731, on "The Character of the Candidates for Civil Government, especially for Council."⁶

The original of the portrait of Governor William Burnet is in the American Antiquarian Society, Worcester, Mass.

William Bradford Homer Dowse, by whose generous interest in the history of Massachusetts the publication of these volumes became possible, died at Boston, April 19, 1928. The fund he provided will continue in action and the long series of volumes will serve at once as a reminder of his gift and interest.

WORTHINGTON CHAUNCEY FORD.

Boston, February, 1929.

¹ 34, 38, 43.

⁴ 31, 44.

² 38, 43; *Mass. Acts and Resolves*, II. 586.

⁵ 6.

⁶ 61, 64, 207.

³ *Ib.*, 619.

A JOURNAL

Of the Honourable House of Representatives.

At a Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* in the County of *Suffolk*, on *Wednesday* the Tenth Day of *February*, *Anno Domini*, 1730.

THE Honourable *Benjamin Lynde*, *Thomas Fitch* and *Daniel Oliver* Esqrs. came down from the Council Board, and acquainted the House, that they were appointed and empowered by His Excellency the Governour, to Administer the Oaths to the Members of the House respectively, required by Act of Parliament, and that the Members were accordingly directed to take the Oath of Abjuration, and subscribe the Declaration before them, as also the Oath required by the Royal Charter; which was done by all the Members present, and then they withdrew.

The Writs and Precepts for the Choice of Representatives were brought into the House, and upon Examination thereof, it appeared that the following Gentlemen were return'd to serve for, and represent the several Towns within this Province, *viz.*

The County of *Suffolk*.

Boston, { The Hon. Elisha Cooke
(Esq;
Mr. Ezekiel Lewis
Mr. Thomas Cushing
Mr. Samuel Welles.
Roxbury, John Bowles Esq;
Dorchester, Mr. Benjamin Bird
Milton, Mr. Ephraim Tucker
Bran- { The Hon. JOHN
tre, { (QUINCY Esq; Speaker.
Weymouth, Mr. Thomas White
Hingham, Mr. John Jacob
Dedham,
Medfield, Mr. Ebenezer Mason
Mendon, Mr. Seth Chapin Junr.

Wrentham, Capt. Robert Blake
Brookline, Mr. Samuel White
Woodstock, Maj. John Chandler
Needham, Mr. Josiah Kingsbury
Medway, Mr. Jonathan Adams
Sutton, Mr. Samuel Dudley
Oxford, Capt. Ebenezer Learned
Billingham,
Hull,
Walpole,
Stoughton, Mr. Moses Gill
Uxbridge, [2]

The County of *Essex*.

Salem, { Benjamin Lynde Esq;
Mr. John Wolcott

Ipswich, { Mr. Jonathan Fellows
Mr. John Choat
Newbury, { Joseph Gerrish Esq;
Henry Rolfe Esq;
Lynn, Capt. Ebenezer Burrel
Marblehead, Mr. Jer. Gatchel
Haverhil, Mr. Nathan Webster
Rowley, Mr. John Hobson
Salisbury, Mr. William True
Gloucester, Mr. Andrew Robinson
Andover, Mr. Joseph Parker
Topsfield, Capt. Joseph Gould
Beverly, Mr. William Eliot
Wenham, Capt. William Rogers
Boxford, Capt. Joseph Hale
Bradford, Mr. John Hutchins
Almsbury, Mr. Thomas Hoyt

Manchester, _____
 Methuen, _____
 Middlesex, _____

The County of *Middlesex*.

Cambridge, William Brattle Esq;
 Charlestown, { Mr. Stephen Hall
 { Mr. Joseph Lemmon
 Watertown, Mr. Nathan Fisk
 Concord, Mr. Samuel Chandler
 Newtown, Mr. Richard Ward
 Sudbury, Mr. Daniel Eastbrook
 Marlborough, Capt. Nathan Brigham
 Lancaster, Mr. Josiah White
 Sherborn, Mr. John D'Eath
 Groton, Mr. John Langley
 Framingham, Capt. Edward Goddard
 Chelmsford, Mr. Will. Fletcher
 Billerica, Mr. Benja. Tompson
 Woburn, Capt. John Fowle
 Reading, Mr. Thomas Bancroft
 Malden, Mr. Jacob Wilson
 Lexington, Mr. Benja. Willinston
 Weston, Francis Fullam Esq;
 Worcester, Mr. Benjamin Flagg
 Medford, Mr. Benjamin Willis
 Stoneham, _____
 Dunstable, _____
 Dracut, _____
 Littleton, _____
 Stora, _____
 Hopkinton, _____
 Shrewsbury, _____
 Westborough, _____
 Leicester, _____
 Southborough, _____
 Westford, _____
 Holliston, _____
 Bedford, _____
 Wilmington, _____

The County of *Hampshire*.

Spring- { William Pynchon Esq;
 field, { Mr. Will. Pynchon
 Northampton, Mr. Eben. Wright
 Hatfield, Mr. Nathaniel Colman
 Hadley, Eleazar Porter Esq;
 Westfield, _____
 Suffield, _____
 Enfield, Mr. Joseph Sexton
 Deerfield, _____
 Northfield, _____
 Brookfield, Mr. Thomas Gilbert
 Brimfield, _____
 Sunderland, _____

The County of *Plimouth*.

Plimouth, Mr. John Foster
 Scituate, Mr. Thomas Bryant
 Marshfield, John Little Esq;
 Duxbury, Capt. John Alden
 Bridgewater, Mr. Neh. Washburn
 Middleborough, Mr. Sam. Barrow
 Rochester, Mr. Samuel Sprague
 Plimpton, Mr. Samuel Bradford
 Pembroke, Mr. Elisha Bisby
 Kingston, _____
 Abbingdon, _____
 Hanover, _____

The County of *Barnstable*.

Barnstable, Shubal Gorham Esq;
 Yarmouth, Mr. John Hedge
 Sandwich, Ezra Bourn Esq;
 Eastham, Capt. John Knowles
 Harwich, Capt. Edmund Freeman
 Truro, _____

Chatham, _____
 Falmouth, _____
 Province-Town, _____

The County of *Bristol*.

Bristol, Charles Church Esq;
 Taunton, Mr. Ezra Dean
 Swansea, Mr. Joseph Mason
 Rehoboth, Mr. Jathiel Peck
 Little Compton, Thomas Church Esq;
 Dighton, Mr. Edward Shove
 Tiverton, Job Almy Esq;
 Dartmouth, Mr. John Akin
 Attleborough, Capt. John Foster
 Norton, Capt. Samuel Brentnal
 Freetown, _____
 Barrington, _____
 Easton, _____

The County of *York*.

York, Mr. Samuel Sewal
 Kittery, Mr. Wythers Berry
 Wells, Mr. Joseph Hill
 Berwick, Mr. Roger Plaistead
 Falmouth, _____
 Scarborough, _____
 Biddeford, _____
 Arundel, _____

The County of *Dukes County*.

Edgarton, _____
 Chilmark, _____
 Tisbury, _____

The County of *Nantucket*.

Sherburn, _____

The House proceeded to bring in their Votes for a Speaker, upon Examination whereof it appeared, that the Honourable JOHN QUINCY Esq; was chosen Speaker of the House by a major part of the Votes.

Then the House proceeded to the choice of a Clerk, and upon collecting the Votes it appeared that *Francis Foxcroft* Esq; was chosen by a major part of the same.

The said *Francis Foxcroft* being sent for, came into the House and was Sworn by *John Bowles* Esq; in the manner following. [3]

WHereas you F. Foxcroft are chosen Clerk of this House, you do Swear, That you will truly enter all the Votes and Orders thereof, and in all things relating to your Office will act faithfully and impartially.

So help you GOD.

Ordered, That Mr. Hall, Maj. Brattle, Maj. Gerrish and Mr. Lynde, go up with a Message to His Excellency, to acquaint him, that the House have made choice of the Honourable JOHN QUINCY Esq; for their Speaker, and are ready to present him to His Excellency for His Approbation.

Who return'd they had deliver'd the Message.

Ordered, That the same Gentlemen be a Committee to attend on the Honourable JOHN QUINCY Esq; up to the Council Chamber, and that they present him to his Excellency for his Approbation, agreeable to the Direction in the Royal Explanatory Charter; which was done by the Committee accordingly.

Mr. Secretary brought down from His Excellency the following Message, *Viz.*

Gentlemen of the House of Representatives,

YOU having signified to me by a Message, your Choice of JOHN QUINCY Esq; to be your Speaker, and presented him to me for my Approbation, pursuant to the Direction of the Royal Explanatory Charter; By Virtue of the Authority given me by the said Royal Charter, I approve of him accordingly.

J. BELCHER.

February 10th. 1730.

Mr. Secretary came down with a Message from His Excellency, directing the House to attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Excellency delivered a Speech to both Houses, whereof Mr. Speaker obtain'd a Copy, and the same is as follows,

Gentlemen of the Council and House of Representatives,

AT my last meeting of the late Assembly, I suggested to them those things which I judg'd would most of all advance the publick Weal; But the unhappy Temper they manifested with respect to His Majesty's Royal Instruction for fixing a Salary on me and on my Successors, brought me under an indispensable Necessity of Dissolving them, and so prevented their deliberating on those things which I believe might lay a Foundation for some Laws that would greatly promote the Happiness of this People, and of which you will now have Opportunity to consider.

By the late Dissolution I have given the whole Country the Opportunity of sending such to Represent them, as may put an end to the Broils and Confusions in which you have been so long and so unhappily involved; [4] and I hope you are now come together to be the happy Deliverers of your Country from the Troubles and Difficulties that still hang over it. I must desire you to

look back on all I said to the last Assembly upon the King's easy and reasonable Demand for the Support of His Governour, & then your true Love to your Country will discover it self in nothing more, than by acting in this critical Juncture with great calmness and caution; for upon your present Determinations depends much of the future Peace and Welfare of this People. I can't help repeating how vast has been the Charge and what the Loss this Province has suffered in their Disputes with the Crown: It has been with Indignation that I have sometimes heard without Doors, That we must act as if we had a bad King, and a bad Governour. How great is such Ingratitude, while we are happy under the Government of the best Monarch upon Earth, in the full Enjoyment of all our Liberties religious and civil! And for the little time I have had the Honour to be the Representative of the King's Royal Person among you, I flatter my self the worst of my Enemies can't Tax me with the least Male Administration.

Again, consider the King's Grace and Favour to you in His Officers absolutely reserved to His own Appointment in the Royal Charter, and all those He has given you from among your selves. What could be more kind and indulgent? Certainly then there must be some return of Duty and Obedience to so much Goodness.

I doubt not but you will act above the Insinuations of those who would fill you with Fears of what may happen hereafter from evil Governours; for you can't forget the recent Instance of speedy Redress from the King upon your humble Application.

As it is one of His Majesty's shining Characters to protect His Subjects in all their just Rights and Liberties, you may most sacredly depend He will never suffer any of His Governours to prostitute His Authority and Honour by making their arbitrary Will and Pleasure a Rule of Government for His Subjects.

Should you Oblige me to put in practice that part of my Duty to the King, of making another Voyage to *Great Britain*, there to represent to His Majesty and His Ministers your final refusing to support His Governour in the manner he has required, it must produce such Consequences to this People, as I am sure they will wish you had prevented.

I must further observe to you, that the longer you delay this matter, the heavier it grows; for most of you must remember that in the Course of a few Years past, the Support of your Governours is got from *Five Hundred to Three Thousand Pounds* a Year; that doubtless the sooner you fix the Salary the better, for I don't suppose there is a single Instance in all the Plantations of it's being Augmented by any further Orders from the Crown, where they have once settled it in Obedience thereto.

I therefore hope, *Gentlemen*, upon your wise and sedate Consideration of this Matter in it's present Situation and Circumstances, you will at last cheerfully answer the King's just Expectation; and how happy shall I think [5]

my self, to be the Instrument of putting an end to this long Strife and Contention, and of thereby restoring you to His Majesty's Favour and good Opinion.

Gentlemen of the Council and House of Representatives,

If upon our meeting in General Assembly from time to time, any Laws may be projected for the better supporting and countenancing Piety and true Religion among us, I shall look upon it as an Omen of the best good to this Country, and shall always gladly give my Consent thereto.

If we have still any Captives among the *French* or *Indians* that are recoverable, methinks a Christian Compassion to their Souls, as well as good Policy, Justice and Honour should Oblige us to endeavour their Redemption and Return to their Native Country and Friends.

And while as a Fruit of His Majesty's great Wisdom and steady Government, we are in a perfect Peace and Tranquility with all the World around us, would it not be wise and prudent to be gaining the Knowledge of our own Country? I mean to imploy a Number of capable, active Men (at a good Encouragement from the Government) to Traverse the Wilderness, and make themselves well acquainted with the more remote and distant parts of the Province, as well as to lay out and make commodious Roads on the whole Length of the Frontiers?

As the Establishment at Castle *William* is near expiring, I shall depend on your speedy Care and Encouragement for a new and larger Inlistment.

I am sorry to tell you, that I have lately had Complaints of unreasonable Extortion practis'd by those who let their Money at Interest; I therefore think it will well become the Wisdom of this Legislature, to bring forward some stricter Law in addition to that already made for restraining the taking Excessive Usury.

As the advancing Year will require a more immediate and constant Attendance on your Husbandry and Trade, I hope it will put you upon proceeding in the publick Affairs with good Agreement and Unanimity, from which you will find the best Dispatch and Success, and you will always be sure of my doing every thing in my Power that may Contribute to His Majesty's Honour, and to the Welfare and Prosperity of this Country.

J. BELCHER.

February 10th. 1730, 1.

Which was (after the Return of Mr. Speaker and the House to their own Chamber) Read in the House. And

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The House met and Adjourned till to Morrow Morning Ten a Clock. [6]

Jobis Die II. Februarij, A. D. 1730.

THE Orders of the House for the last sitting of this Court were Read, and *Voted*, That the same be the Orders of the House during the Session and Sessions of this Court.

Ordered, That Mr. *Hobson*, Mr. *Jacob*, Mr. *John Foster*, and Mr. *Bird* be the Monitors of this House.

Ordered, That Mr. *Lynde* go up to the Honourable Board with such of the Members of the House as were not present Yesterday, in order to their being Sworn; which was done accordingly, and then the Gentlemen took their Places in the House.

The Precepts for the Choice of Representatives were Read again, and considered, and (of those Towns which sent no Representatives) *Voted*, That the following be excused. *Viz.*

Uxbridge, Bellingham, Walpole, Hull, Manchester, Methuen, Middleton, Stoneham, Stow, Dunstable, Shrewsbury, Westford, Bedford, Wilmington, Northfield, Deerfield, Sunderland, Hanover, Kingston, Barrington, Easton, Truro, Falmouth, (in the County of *Barnstable*) *Chatham, Biddeford, Arundel, Chilmark and Tisbury.*

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

The Precept for the Choice of a Representative for the Town of *Falmouth* in the County of *York*, Read, by which it appeared that Mr. *John Tyng* was chosen to serve for and represent them.

His Excellency's Speech to both Houses at the opening of this Session, Read again, and after a considerable Debate,

Voted, That the House come into the Consideration thereof at Ten a Clock to Morrow Morning.

Upon a Motion made and seconded by divers Members,

Voted, That Mr. *Lewis* and Mr. *Cushing*, be desired to wait upon the Reverend Mr. *Webb*, to request a Copy of his Sermon (preach'd this Day at the publick Lecture in *Boston*) in order to it's being Printed.

Voted, That Mr. *Bancroft* be one of the Monitors of the House in the Room of Mr. *Hobson*, (he desiring to be excused from that Service.)

A Memorial of *John Larrabee* Lieutenant of His Majesty's Castle *William*, referring to the present Establishment of the Court for inlisting Soldiers at the said Castle (which is near expiring) moving them to consider thereof and renew the same.

Read.

A Memorial of Capt. *Joseph Heath*, praying that the Sum of *Twelve Pounds* may be allow'd him for his Service in making out Duplicates of the [7] Plans of His Majesty's Castle *William*, and the several Forts and Block-Houses in this Province. Read.

A Motion being made by Maj. *Chandler*, that he might have leave to bring in a Bill for erecting several of the Towns in the Counties of *Suffolk*, *Middlesex* and *Hampshire* into a distinct County. It was Voted accordingly. And

A Bill intituled, *An Act for erecting, granting and making a County in the Inland parts of this Province, to be called by the County of ———— and for establishing of Courts of Justice within the same.*

Read a first Time.

The House proceeded to the Choice of a Committee for Petitions by written Votes, and upon collecting the same it appeared, That *Benjamin Lynde* Esq; Messieurs *Thomas Cushing*, *Joseph Lemmon*, *Edward Shove* and *Ebenezer Burrel* were chosen.

As also to the Choice of a Committee for Laws, and upon collecting the Votes it appeared, That Capt. *Edward Goddard*, Mr. *Welles*, *Ezra Bourn* and *Francis Fullam* Esqrs. and Mr. *Ebenezer Wright* were chosen therefor.

Upon a Motion made and seconded,

Voted, That the said Committee for Laws be desired to prepare a Bill for the Pay of the Members of this Court, and for making publick Bills of Credit a Tender.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 12. Februarij, A. D. 1730.

MR. Speaker communicated to the House a Letter of Excuse from Mr. *Jonathan Fellows*.

Ordered, That Maj. *Chandler* go up to the Honourable Board with sundry of the Members now present which have not been Sworn, in order to their taking the Oaths; which was done accordingly, and then the Gentlemen took their Places in the House.

A Petition of *Joseph Brown* of *Boston*, Distiller, praying that the Judgments of the Superior Court of Judicature (now sitting at *Boston*) for Abatement of Three Writs of Review purchased by him against *Godfrey Malbone* of *Newport* in the Colony of *Rhode-Island*, Merchant, (whereby the Petitioner suggests he is greatly and irreparably damaged) might be reversed; and that the Petitioners Actions may be Ordered to proceed to Trial, as well as the Three Cross Actions brought against him by the said *Malbone*, or otherwise provided for as to the Wisdom of the Court shall seem meet, for Reasons mentioned. Read, and

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Ordered, That the Petitioner serve the adverse Party or his Attorney *John Overing* Esq; with a Copy of the Petition, that he may shew Cause (if any he have) on *Monday* next, why the Prayer thereof may not be granted, and that the Writs of Review 'pending between the said *Malbone* [8] and the Petitioner be suspended in the mean time: Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Upon a Motion made and seconded,

Voted, That the Consideration of His Excellency's Speech be deferred till Three a Clock this Afternoon, and that the Members then attend; and that no Member withdraw (without just Excuse made and allowed of by the House) until the Affair is determined; on Pain of Forfeiting, to the Use of the House, the Sum of *Twenty Shillings*: and that the absent Members be Notified of this Order.

Voted, That Maj. *Brattle* be excused for his Absence Yesterday.

A Petition of Mr. *John Darrel*, praying the House to re-consider their Vote pass'd on a Memorial of his, exhibited to this Court when they sat at *Cambridge* in *September* last, and that the Court would pass upon the said Memorial and grant the Prayer thereof, or otherwise afford such Relief to the Petitioner in the Premises as to their great Wisdom shall seem meet, for Reasons mentioned.

Read and committed to the Committee for Petitions.

Isaac Winslow Esq; brought down from the Honourable Board a Report of the Committee of both Houses (appointed the 12th. of *September* last) to view and consider of the Circumstances of the Inhabitants of the Parish of *Byfield*, and that in the *Northwest* part of *Rowley*, in order to their being erected into a distinct and separate Precinct. Pass'd in Council, *viz.* In Council, *January 1st. 1730.* Read, and

Ordered, That this Report be accepted.

Sent down for Concurrence.

And in Council, *February 12th. 1730.* Read again, together with the Petition of *Thomas Thurla* and *George Thurla.* And

Ordered, That this Report be accepted, saving that the said *Thomas Thurla* and *George Thurla* with their Families and Estates are continued in the Town of *Newbury.*

Sent down for Concurrence.

Read and Non-concurred.

The Bill intituled, *An Act for erecting, granting and making a County in the Inland parts of this Province, to be called the County of ———— and for Establishing Courts of Justice within the same.*

Read a second Time.

Samuel Thaxter Esq; brought down from the Honourable Board a Report of a Committee of both Houses appointed to enquire into the Right the Province has to a certain Gore or parcel of Land lying on *Bridgewater* Six Mile Line, in the County of *Plimouth*. Pass'd in Council, *viz.* In Council, *February* 12th. 1730. Read, and

Ordered, That this Report be accepted.

Sent down for Concurrence.

Then the House Adjourned till Three a Clock Afternoon. [9]

Post Meridiem.

Upon a Motion made and seconded, the Question was put, *Whether the House will defer the Consideration of His Excellency's Speech till the next Week?* And it pass'd in the Negative. And

Then the House, agreeable to the Order of the Forenoon, proceeded to the Consideration of the said Speech, which was again Read, as also His Majesty's 27th. Instruction, His Excellency's Speeches formerly delivered, and the Letters from the Agents Printed in *October* last, as also sundry other Letters from the Agents on file; and after some Debate had on that part of His Excellency's Speech, relating to the fixing of a Salary, the Question was put, *Whether the House would fix a Salary upon the Governour for the time being, agreeable to His Majesty's Twenty seventh Instruction?* And it pass'd in the Negative by a very great Majority.

Voted, That *Mr. Choat* and *Mr. Little*, have leave to be absent till next *Tuesday*.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Sabbati Die 13. Februarij, A. D. 1730.

Voted, That *Mr. Tompson* have leave to be absent till the Afternoon of next *Tuesday*, and *Mr. Wellington* for next *Monday*.

The Precept for the Choice of a Representative for the Town of *Dedham* being return'd was Read, whereby it appear'd that *Mr. Joseph Ellis* was duly chosen to represent them in this Court.

As also the Precept to the Town of *Suffield*, and it appeared that *Capt. John Kent* and *Mr. Abraham Adams* were chosen. And

Ordered, That *Col. Gorham* go up to the Honourable Board with the said *Mr. Kent* and *Mr. Adams*, together with *Eleazar Porter* Esq; and *Mr. Colman*, for their taking the Oaths, which was done accordingly; and the Gentlemen took their respective Places in the House.

The Precept to the Town of *Dracut*, Read, and no Person chosen.

A Memorial of the Selectmen of *Bellingham*, praying the Consideration of the Court as to the Charge they are at for the Support of the Ministry, and to afford them some Relief, for Reasons mentioned. Read, and referred to the Session of the Court in *May* next.

The Report of the Committee of both Houses referring to a parcel of Land on *Bridgewater* Six Mile Line, brought down by *Samuel Thaxter* Esq; Pass'd in Council, as entred Yesterday. Read and Concurred. And

Ordered, That Mr. *Shove* with such as shall be joyned by the Honourable Board, be, and hereby are appointed and impowered to demand Pos-[10] session of the said Land mentioned in the Report; and in case of any Person or Persons refusal, then the said Gentlemen are to bring forward their Writ of Trespass and Ejectment for Recovery thereof.

Sent up for Concurrence.

A Motion being made and seconded,

Voted, That the House come into the Consideration of His Excellency's Support on *Wednesday* next at Eleven a Clock in the Forenoon, and that the Members then attend, and no Person (without just Excuse made and allow'd of by the House) withdraw till the matter be determined, on Pain of Forfeiting the Sum of *Twenty Shillings* to the Use of the House.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 15 Februarij, A. D. 1730.

O*rdere*d, That Maj. *Gerrish* go up to the Honourable Board with Capt. *Brigham* in order to his taking the Oaths, which was done accordingly, and the said *Brigham* took his Place in the House.

A Petition of *William Anthony* of *Swansey* in the County of *Bristol*, Executor of the last Will and Testament of *Abraham Anthony* late of *Portsmouth* in the Colony of *Rhode-Island*, Husbandman deceased, Administrator of the Estate of *John Anthony* late of *Boston* in the County of *Suffolk*, Mariner, deceased, Praying, that an Action of Review brought by him against one *John Anthony* of *New York* in the Province of *New York*, Painter, to be Heard and Tried at the Superior Court of Judicature, now sitting in *Boston*, (that was Abated for Reasons suggested in the Petition) might be entred *De novo* at the said Court while they are now sitting, and that *John Read* Esq; the Defendant's Attorney might be Obligated to Answer the same, and the Petitioner have a Tryal of the said Action, in order to reverse a Judgment which the said Defendant obtain'd against the Petitioner at a Superior Court held in *Boston* aforesaid in *February*, 1729. Read, and

Ordered, That the Petitioner serve the adverse Party or his Attorney *John Read* Esq; with a Copy of this Petition, that he may shew Cause if any he have, on *Thursday* next, why the Prayer thereof may not be granted.

Sent up for Concurrence.

A Report of a Committee of both Houses to take an account of Torn and defaced Bills of Credit on this Province, (brought down from the Honourable Board the 13th. Instant by *Melatihah Bourn* Esq;) purporting, that according to an Order of this Court in their last Sessions, they had receiv'd of Mr. Treasurer *Allen* the several Bills of the Denomination (in the Accompt whereto their Report is annexed) amounting to the Sum of *Twenty Nine Thousand One Hundred and Ninety Three Pounds, Eleven Shillings and Four Pence ha'penny*, all of which they had consum'd to Ashes. Read and accepted, and [12]

Ordered, That Mr. Treasurer *Allen* be, and hereby accordingly is discharged of the said Sum.

Sent up for Concurrence.

An Accompt of the Charge that *John Sweetland* Constable of *Attleborough*, was exposed to while kept in Custody by Mr. *Justice Bartlet* of *Providence* in the Colony of *Rhode-Island*, amounting to the Sum of *Five Pounds Four Shillings*. Read, and

Ordered, That the Sum of *Five Pounds Four Shillings* be allow'd and paid out of the publick Treasury to Capt. *John Foster*, by him to be repaid to the Accomptant in full Discharge of the said Accompt.

Sent up for Concurrence.

The Memorial of Capt. *Joseph Heath*, praying as entred the 11th. Instant. Read again, and committed to the Committee for Petitions.

Ordered, That Mr. *Lewis*, Mr. *Welles* and Mr. *Cushing* be a Committee to treat with the Heirs of the late Honourable *Samuel Sewall* Esq; about the Stable, Coach-house and other Accommodations, now in the Improvement of His Excellency, in order to purchase the same; and to make Report so soon as may be.

Ordered, That Mr. *Welles*, Mr. *Samuel Chandler*, Mr. *Hall*, Maj. *Chandler* and Maj. *Brattle*, be a Committee to enquire into and consider the Circumstances of the Land between *Brookfield* and *Springfield*, and Northward of *Brimfield*, and adjoining on the *North* upon the Lands called the *Equivalent Lands* in the County of *Hampshire*, and make Report.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Martis Die 16. Februarij, A. D. 1730.

THe Precept for the Choice of a Representative for the Town of *Freetown*, Read, by which it appeared that Mr. *Samuel Foreman* was chosen.

Ordered, That Col. *Church* go up to the Council Chamber with Mr. *Blake* and Mr. *Fellows*, in order to their being Sworn; which being done, the said Gentlemen took their Places in the House.

A Petition of sundry of the Inhabitants of the *Westerly* part of the *West* Precinct in *Newbury*, praying that they may be erected into a distinct and separate Precinct, and that they may have a Committee on their own Cost and Charge to view their Circumstances, for Reasons mentioned. Read, and

Ordered, That the Petitioners serve the *West* Precinct in *Newbury* with a Copy of the Petition, that they may shew Cause if any they have, on *Wednesday* the 24th. Instant, why the Prayer thereof may not be granted. [13]

A Petition of sundry of the Inhabitants of the *Northerly* Precinct in the Town of *Scituate*, praying the Interposition of the Court to prevent the Execution of a Vote of said Precinct for taking down their Meeting-House, in order to remove the same at some distance from where it now stands, for Reasons mentioned. Read, and the Question put, *Whether the said Northerly Precinct should be Notified?* And it pass'd in the Negative. Also, *Whether the Prayer of the Petition should be granted?* And it also pass'd in the Negative.

John Chandler Esq; came down from the Honourable Board with a Mes-

sage, desiring that the two Reports of the Committees referring to *Taunton* Affair might be sent up, which was accordingly done by Maj. *John Chandler*.

A Petition of *Thomas Hunt* and others, in behalf of themselves and their Associates, the Soldiers that served in the *Narraganset* War, and the legal Representatives of such as are deceased, praying, for Reasons mentioned in the Petition, the Court would make them such further Grants as to the Court shall seem meet. Read, and

Ordered, That there be Liberty given to the Persons to bring in their Claims to the *Narraganset* Lands, to a Committee to be appointed by this Court, until the first *Wednesday* in *June* next, and that such further Grant of Land be made to the Petitioners as that every Hundred and Twenty Persons whose Claims are or shall be allowed of by this Court, may have a Township of the Contents of Six Miles square, under the same Restrictions and Limitations with those already granted, and that the Committees formerly appointed to lay out the Towns for the *Narraganset* Soldiers, and for examining the Claims of the said Soldiers, be the respective Committees for performing the like Services as above directed to, and that the Province be at the Charge of laying out the land to be granted as above, into Tracts of Six Miles square, but not of any Sub-divisions to particular Grantees.

Sent up for Concurrence.

A Petition of *Elizabeth Hammond* of *Rochester*, Daughter of Capt. *Richard Hunniwell*, heretofore of *Black Point*, deceased, praying, that in consideration of the great Loss of her said Father, and the Services by him done against the *Indian* Enemy in the former Wars, she may have a Tract of the unappropriated Lands of this Province granted to her. Read, and

Ordered, That the Prayer of the Petition be so far granted, as that the legal Representatives of the said Deceased, be, and hereby are empowered by a Surveyor and Chainmen on Oath, to lay out Five Hundred Acres in some of the unappropriated Lands within this Province, a Plan thereof to be returned to the Court within Twelve Months for Confirmation.

Sent up for Concurrence.

A Petition of *Zachariah Fitch* of *Boston*, Guardian of *James Kebby* of *Reading*, a *Non Compos* Person, praying that a Grant of One Hundred Acres of Land made to one *William Perkins* in the Year 1679. and since that purchased by the said *James Kebbey*, of *John Perkins*, Son of the said *William*, might be revived, and that the Petitioner in behalf of the said *James Kebbey*, [14] may in his said Capacity, be allowed to lay out the said Tract and return a Plat thereof to the Court. Read, and

Ordered, That the said *Zachariah Fitch*, be, and hereby is empowered, in his said Capacity, and in behalf of the said *Non Compos*, to lay out, by a Surveyor and Chainmen on Oath, One Hundred Acres, out of some of the unappropri-

ated Lands within this Province, a Plat thereof to be return'd to this Court within Twelve Months for Confirmation.

Sent up for Concurrence.

A Petition of sundry of the Inhabitants of the Town of *Dighton*, praying, that (for Reasons mentioned in the Petition) they may have Liberty to build a Bridge over *Taunton* great River. Read, and

Ordered, That the Petitioners serve the Town of *Taunton* with a Copy of the Petition, that they may shew Cause if any they have, on *Tuesday* the 2d. of *March* next, why the Prayer thereof may not be granted.

Sent up for Concurrence.

Voted, That Mr. *Burrel* and Mr. *Lynde* be excused for their Absence.

A Petition of sundry of the Inhabitants of *Taunton* and *Dighton*, praying, That they may be erected into a separate and distinct Township, for Reasons mentioned.

Read.

A Petition of sundry of the Inhabitants of *Brimfield*, praying that they may be quieted in the Possession of their Original Grants which they conceive they have a good Right to, that the last Committee may be Ordered to deliver the Book of the first Committee's Grant to the Petitioners, and that the Grants made by the last Committee may be proportioned according to the *Order* of the General Court in making *Brimfield* a Township, that they may be free from the Committee, and that the said Town may enjoy the Priviledges of all other Towns, and that those to whom Grants have been made by the first Committee, the Records whereof may have been casually lost, yet have fulfilled the Conditions of said Grants, may have the same Established to them. And inasmuch as there wants Three Lots or Grants to fill up the Number of Seventy, that those that are now improving or dwelling in *Brimfield* may fill up the Vacancy, for Reasons mentioned. Read, and committed to the Committee for Petitions.

A Bill entitled, *An Act for the Relief of, and to prevent the Oppression of Debtors*.

Read a first Time.

A Petition of the Inhabitants of *Lexington*, praying to be delivered from the Burthen of Supporting the great Bridge over *Charles-River* in *Cambridge*.

Read.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. *D'Eath* be excused for his Absence. [15]

A Petition of the Town of *Needham* in the County of *Suffolk*, and of *Framingham*, *Watertown*, *Sudbury* and *Weston* in the County of *Middlesex*, praying,

that instead of Re-building the great Bridge over *Charles-River* in *Cambridge*, a Ferry might be erected there.

A Petition of the Town of *Newtown*, praying that they may be dismiss'd from the Charge they are at referring to the great Bridge over *Charles-River* in *Cambridge*. Read, and

Ordered, That the Petitioners named in this and the before-mentioned Petitions of the Towns of *Needham*, *Framingham*, *Watertown*, *Sudbury*, *Weston*, and that of *Lexington* exhibited in the Morning, serve the Town of *Cambridge* with a Copy of their respective Petitions, that they may shew Cause if any they have, why the Prayer of the Petitions may not be granted, on the second *Wednesday* of the Session of this Court in *May* next.

Sent up for Concurrence.

A Memorial of the President and Fellows of *Harvard College* in *Cambridge*, praying as entred the 29th. of *September* last. Read again, and

Ordered, That the Petitioners serve *Adam Winthrop* Esq; and Associates, (who are said to Claim the Land within mentioned) with a Copy of the Petition, that they may shew Cause if any they have, on *Wednesday* the 24th Instant, why the Prayer thereof should not be granted.

Sent up for Concurrence.

A Petition of *William Jeffry* of *Harwich* in the County of *Barnstable*, praying the Consideration of the Court under his distressed Circumstances, and to afford him Relief.

Read and committed to the Committee for Petitions.

A Petition of sundry of the Inhabitants of the *Northerly*, *Westerly* and *Southerly* Inhabitants of the Town of *Framingham*, praying, that the said Town may be divided according to the Bounds mentioned in the Petition, and made into two distinct Towns, for Reasons mentioned. Read

A Bill intituled, *An Act empowering Courts to adjourn and remove from the Towns, appointed by Law for holding Courts, to other Towns, in case of Sickness by the Small Pox.*

Read a first Time.

The Petition of *Joseph Brown* of *Boston*, Distiller, praying, as entred the 12th Instant. Pass'd in Council, viz. In Council, *February* 16. 1730. Read again, together with the Answer of *John Overing* Esq; as Attorney and in behalf of *Godfrey Malbone*. And

Ordered, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Non-concurred. And

Ordered, That the Judges of the Superior Court of Judicature, be, and hereby are directed to continue the Actions of the within named *Godfrey Malbone*, until their next Session within and for the County of *Suffolk*, that so

the Petitioner may have an Opportunity to bring forward his Actions [16] at the same time, if he see Cause, and that all further Process be stayed in the mean time.

Sent up for Concurrence.

A Petition of *David Freeman*, praying for Licence to keep a Tavern at the House of Mr. *Isaac Bacon*, deceased, for Reasons mentioned. Read, and

Ordered, That the Prayer of the Petition be so far granted, as that (upon the Petitioner's producing a Certificate of the Selectmen of the Town of *Province-Town's* Approbation therefor) the Justices of the Peace for the County of *Barnstable*, be, and hereby are Authorized and Impowered (if they see cause) at their next Session within and for said County, to grant a Licence to the Petitioner to keep a Tavern at the House beforementioned, and that he be in the mean time allowed to keep a Tavern there, provided he recognize according to Law before one or more of His Majesty's Justices of the Peace within said County, the Time by Law being elapsed, or any other Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Petition of *Nehemiah Randal* of *Scituate* in the County of *Plimouth*, Yeoman, only surviving Executor of the last Will and Testament of Mr. *Job Randal*, late of said *Scituate*, deceased, praying, that he may be enabled to file his Complaint, at the next Superior Court of Judicature, to be Held at *Plimouth* within and for the said County, against *Samuel Sprague* of *Rochester*, Gentlemen, for not Prosecuting his Appeal, at a Superior Court of Judicature Held at said *Plimouth* in *September*, 1727. from a Judgment obtain'd against him by the aforesaid Testator, at an Inferior Court of Common Pleas Held in *Plimouth* aforesaid, in *July*, 1727. for Reasons mentioned. Read, and referred to the second *Wednesday* of the Session of this Court in *May* next. And

Ordered, That the Petitioner in the mean time serve the adverse Party with a Copy of the Petition, that he may then shew Cause if any he have, why the Prayer thereof may not be granted.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o'Clock.

Mercurij Die 17. Februarij, A. D. 1730.

V*Oted*, That Mr. *Wolcot* and Mr. *Forman*, be excused for their Absence.

Ordered, That Mr. *Wolcot* go up to the Honourable Board with Mr. *White* and Mr. *Akin*, for their being Sworn; which was accordingly done, and the Gentlemen took their Places in the House, and made their several Excuses for their Absence, which were accepted by the House.

A Memorial of *Richard Kimbal* and others, Inhabitants of the *West Precinct* in the Town of *Bradford*, praying the Court to Establish and Confirm the present Boundaries of the two Precincts, for Reasons mentioned.

Read. [17]

A Memorial of *Jonathan Woodman* and others, Agents for the Inhabitants of the *West Precinct* in the Town of *Bradford*, praying the Court to confirm and establish the present Divisional Line between the two Precincts, for Reasons mentioned in the Petition.

Read.

Mr. *Cushing* from the Committee for Petitions, Reported on the Memorial of Capt. *Heath*, (entred the 11th. Instant) which was Read and Accepted, and

Ordered, That the Sum of *Twelve Pounds* be allowed and paid out of the publick Treasury to the Memorialist, Capt. *Joseph Heath*, in full Discharge for his Service within mentioned.

Sent up for Concurrence.

Seth Williams Esq; brought down from the Honourable Board, the Petition of the Inhabitants of the Town of *Dighton*, and of *Elizabeth Hammond*.

A Motion being made and seconded,

Voted, That Mr. Treasurer *Allen*, be, and he hereby is directed forthwith, to lay before the House an Accompt of the several Draughts that have been made upon the Treasury since the last Supply.

Agreeable to the *Order* of the Day, the House proceeded to the Consideration of His Excellency's Support, and after a considerable Debate had thereon,

Voted, That the further Consideration of the said Affair, be deferred till Three a Clock this Afternoon, and that the Members then attend under the same Penalty as in the *Order* or *Vote* of the 13th. Instant.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Memorial of Capt. *Joseph Heath*, brought down in the Forenoon by *Spencer Phipps* Esq; Pass'd in Council, viz. In Council, *February 17. 1730.* Read and Concurred with the Amendment.

Sent down for Concurrence. Read and concurred.

Sent up.

The Petition of the Inhabitants of the Town of *Dighton*, praying, as entred the 16th. Instant, brought down in the Forenoon, (as then entred) by *Seth Williams* Esq; Pass'd in Council, viz. In Council, *February 16. 1730.* Read and concurred with an Amendment.

Sent down for Concurrence.

Read and Concurred. Sent up.

Ebenezer Stone Esq; brought down from the Honourable Board, the Petition of *James Kebbey's* Guardian.

Theophilus Burrel Esq; came down with a Message from the Honourable Board, desiring to speak with the Representative of *Enfield*, who having the Liberty of the House, went up accordingly. [18]

The House agreeable to the *Order* of the Forenoon, re-assumed the Consideration of His Excellency's Support, and after some Debate, and a previous *Vote* put, *Whether the House will now come to a Vote referring to the settling a Salary on His Excellency, during His Administration?* (Which pass'd in the Affirmative;) The Question was put, *Whether the House would settle a Salary on His Excellency the Governour, during His Administration?* And it pass'd in the Negative.

And after a long Debate, the Question put, *Whether the House would choose a Committee to be joyned with such as the Honourable Board shall appoint, to Consider what may be proper to be done by this Court for the Support of His Excellency the Governour?* And it pass'd in the Affirmative.

John Chandler, Esq; brought down from the Honourable Board, the Petition of *Thomas Hunt* and others, with a Message, desiring to speak with the Representative of *Watertown*, who having the Leave of the House, went up accordingly.

Then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Jobis Die 18. Februarij, A. D. 1730.

VOted, That Mr. *Bryant* be excused for his Absence.
Upon a Motion made and seconded,

Ordered, That the Committee appointed by this Court, the 29th. of *December* last, to consider of the Affair mentioned in the Petition of *Jonas Houghton* and others, (who were then Ordered to make Report at the next Session of this Court) be, and hereby are allowed and directed to bring in their Report at the Session in *May* next; and that all Parties concerned have seasonable Notice given them by the Petitioner, of the Committee's coming, that so they may (if they see cause) attend them on that Affair.

Sent up for Concurrence.

A Petition of *James Corse* of *Deerfield*, for a further Consideration and Allowance from this Court, for the Services therein mentioned.

Read and committed to the Committee for Petitions.

The House entred again upon the Consideration of His Excellency's Support; and after some Debate, and a Motion being made therefor and seconded, the following Question was put, viz.

Whether they would re-consider their Vote of last Night, for appointing a Committee with such as should be joyned by the Honourable Board, to consider what may be proper to be done by the Court, for the Support of His Excellency the Governour? And it pass'd in the Affirmative. Then

Ordered, That Mr. Speaker, Mr. *Lewis*, Mr. *Cooke*, Mr. *Welles*, Mr. *Lynde*, Maj. *Chandler*, Capt. *Goddard*, Maj. *Gerrish* and Mr. *Shove*, be a Committee to consider what may be proper to be done by this Court, for the Support of His Excellency the Governour, and to make Report so soon as may be.

Then the House Adjourned to Three a Clock Afternoon. [20]

Post Meridiem.

The Bill intituled, *An Act for the Relief of, and to prevent the Oppression of Debtors.*

Read a second Time.

The Bill intituled, *An Act empowering Courts to adjourn and remove from the Towns appointed by Law for holding Courts, to other Towns, in case of Sickness by the Small Pox.*

Read a second Time.

A Petition of *John Young*, praying, that the Court would make him some Allowance, for the Reasons within mentioned.

Read and committed to the Committee for Petitions.

A Petition of *John Elder*, praying likewise for some Allowance, for Reasons mentioned. Read also, and committed to the Committee for Petitions.

A Petition of *Jacob Chalum*, praying for Liberty to Sell some of his Outlands. Read, and

Ordered, That the prayer of the Petition be so far granted, as that the Petitioner be, and hereby is Authorized and Impowered to Sell the Outlands within mentioned, the Proceeds thereof to be disposed of, for the Uses within mentioned.

Sent up for Concurrence.

Ordered, That Maj. *Bowles* go up with a Message to the Council Board, desiring that the Petition of some of the Inhabitants of the Town of *Framingham*, and the Papers relating thereto, might be sent down; Who return'd he had delivered the Message; And they were in a short time brought down accordingly, by *Jonathan Dowse*, Esq;

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of *John Darrel*, (entred the 12th. Instant) which was Read, and so far Accepted as that the House were of Opinion, That the Sum of *Seven Pounds Twelve Shillings* was due to the Petitioner, for the cure and keeping of the Horse mentioned in the Petition, and the Sum of *Ten Pounds* to the within named *William Mac-carty*, for the Hurt and Maim his Horse received while in the Service within mentioned.

Sent up for Concurrence.

Ordered, That Capt. *Burrel* go up to the Council Board with Mr. *Gatchel*, in order to his being Sworn, which was accordingly done, and he took his Place in the House.

The Bill intituled, *An Act for erecting, granting and making a County in the Inland parts of this Province, to be called the County of ———— and for Establishing of Courts of Justice within the same.* Read, and

Resolved, That the same pass to be Ingross'd.

Sent up for Concurrence. [21]

Daniel Oliver Esq; brought down from the Honourable Board, the Petition of sundry of the Inhabitants of the Town of *Taunton*.

Charles Chambers Esq; brought down the Petition of *Peter Nowel*.

The Petition of the Inhabitants of the *Eastern* and *Southern* side of the River running through the Town of *Framingham*, praying, as entred the 31st. of *December* last. Read again, together with the Answer of the Town of *Framingham*. And

Voted, That the Consideration thereof be deferred till to Morrow Morning.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Weneris Die 19. Februarij A. D. 1730.

Voted, That Mr. *Gatchel* be excused for his Absence.

A Petition of *Samuel Moore* of *Mendon*, praying the Court to grant him such Allowance for the Service and Expence therein mentioned, as in their great Wisdom and Justice they shall see meet, (for Reasons mentioned.) Read, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative.

A Petition of *William Head* of *Little Compton* in the County of *Bristol*, a Minor, Son of *Benjamin Head*, late of the same Town, deceased; praying, that the Court wou'd confirm the Choice he hath made of Mr. *William Briggs*, (who was accordingly appointed by the Judge of Probate for the said County) to be his Guardian, and that they would empower the Petitioner's Guardian to use and improve his Estate for his Benefit till he comes of Age, as also to recover back from out of the Hands of his Uncle *Jonathan Head*, (Surviving Overseer named in the last Will of the aforesaid Deceased, and Trustee for the Petitioner) the Sum of *Forty five Pounds*, which the said *Jonathan Head* recovered of his said Guardian, at a Superior Court held at *Bristol* in *September* last, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the within-named *Jonathan Head*, with a Copy of the Petition, that he may shew Cause if any he have, on the second *Wednesday* of the Session of this Court in *May* next, why the prayer thereof may not be granted. And that Execution and other Process to be stay'd in the mean time.

Sent up for Concurrence.

A Memorial of *Nathanael Harris* and others, in behalf of themselves and their Associates, praying, that a Petition of their's exhibited to the Court the 14th. of *September* last, might be revived.

Read. [22]

Agreeable to the *Order* of last Night, the House entred upon the further Consideration of *Framingham* Affair, and the Parties being admitted into the House were heard thereon, and the Matter being fully considered,

Voted, That the Petition of the Inhabitants dwelling on the *Eastern* and *Southern* Side of the River running through the said Town, be dismiss'd.

The Petition of the *Northerly*, *Westerly* and *Southerly* Inhabitants of the Town of *Framingham*, praying as entred the 16th. Instant, Read again, and

Ordered, That the Petitioners serve the Town of *Framingham* with a Copy of the Petition, that they may shew Cause if any they have, on the second *Fryday* of the Session of this Court in *May* next, why the Prayer thereof may not be granted. Unless the Parties come into some Accommodation in the mean time.

Sent up for Concurrence.

Voted, That Capt. *Brentnal* have Leave to be absent till next *Wednesday*.

Ordered, That Mr. *Little* go up to the Council Board with Mr. *Bisby*, in order to his being Sworn; which being done, he took his Place in the House, and made his Excuse for his Absence hitherto, and the same was accepted of by the House.

A Bill intituled, *An Act to prevent unnecessary Law Suits*.

Read a first Time.

Jonathan Dowse Esq; came down with a Message from the Honourable Board, to desire they would send up the Papers relating to Mr. *Moore*.

A Petition of *Samuel Hunt* of *Bellerica*, in behalf of himself and others, praying, that a Petition of their's exhibited the 1st. of *January* last, may be received. Read, as also the Petition therein referred to, and the said Petition committed to the Committee appointed for the Consideration thereof on the Day abovesaid, to make Report what may be proper to be done thereon.

A Petition of *Orlando Bagley* and others, in behalf of themselves and Associates, that a Petition of theirs exhibited to the Court in the Year 1726. (praying for Land for a Township) might be granted.

Read.

A Petition of *Edward Sargent* and others, in behalf of themselves and Associates, praying, as in the Petition last mentioned.

Ordered, That Mr. *Welles*, Maj. *Chandler*, Maj. *Gerrish*, Mr. *Choat*, Mr. *Lemmon*, Mr. *Chandler*, Mr. *Pynchon*, Capt. *Alden*, Mr. *Bourn*, Col. *Church* and Mr. *Hill*, be a Committee to take under Consideration the several Petitions for Lands for Townships, and Report what may be proper to be done thereon.

A Petition of *William Pynchon* and others there underwritten, praying, they may have their Estates in a Tract of Land now called *Brimfield*, Ratified, for the Reasons therein mentioned, and that a Committee may be appointed to hear their particular Allegations, and pass upon the same, (for Reasons also mentioned.)

Read and committed to the Committee for Petitions.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Capt. *Hill* be the Monitor of the House in the room of Mr. *Foster*, (who is at present under Indisposition of Body.

Voted, That Maj. *Gerrish*, Capt. *Goddard* and Mr. *Rolfe*, have Leave to be absent till next *Wednesday*, and Mr. *Chapin* till next *Tuesday* Noon.

The Petition of *Peter Nowel*, praying as entred the 17th. of *December* last. Pass'd in Council, viz. In Council, *February* 18. 1730.

Forasmuch as the General Assembly was Dissolved before the Time appointed for the Consideration of this Petition,

Ordered, That the Petition be revived, and that the Petitioner cause the adverse Parties to be served with a Copy thereof, that so they may shew Cause if any they have, why the prayer thereof may not be granted, on *Fryday* the 5th. of *March* next, if this Court be then sitting, otherwise on the first *Fryday* of the next *May* Session.

Sent down for Concurrence.

Read and Concurred. Sent up.

A Petition of *Melatihah Bourn* and *Ezra Bourn* Esqrs. praying, (for Reasons mentioned in the Petition) That all the Assessments made in the Year 1727, by the Assessors of the Town of *Sandwich*, might be held as good, altho' one of the Assessors, namely, the said *Ezra Bourn*, was not at the Time of the making thereof, under Oath. Pass'd in Council, *viz.* In Council, *February* 18. 1730. Read, and

Ordered, That the prayer of the Petition be so far granted, as that upon the Petitioner *Ezra Bourn* Esq; his making Oath before any two of His Majesty's Justices of the Peace for the County of *Barnstable*, that in making the Assessments, above referred to, he acted agreeable to Law and the best of his Judgment, the said Assessment be accounted and held good and valid in the Law, to all Intents and Purposes whatsoever; Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and concurred.

Sent up.

A Report of the Committee, appointed by this Court the 18th. of *September* last, to view the Situation of the Inhabitants of the *Northeasterly* part of the Town of *Taunton*, praying as entred the Day abovesaid. Pass'd in Council, *viz.* In Council, *January* 1. 1730. Read, and

Ordered, That this Report be accepted, and that a Bill be brought in accordingly. Sent down for Concurrence. And, In Council, *February* 18. 1730. Read, and

Ordered, That this Report be accepted, and that a Bill be brought in accordingly.

Sent down for Concurrence. Read and Non-concurred. [24]

A Report of the Committee appointed by this Court the 25th. of *September* last, to view and consider the Situation and Circumstances of several of the Inhabitants of the *West* part of the Town of *Taunton*, praying as in their Petition, entred on the Day above. Pass'd in Council, *viz.* In Council, *January* 1. 1730. Read and accepted, and

Ordered, That the Petition above referred to be dismiss'd accordingly.

Sent down for Concurrence. And, In Council, *February* 18. 1730. Read and accepted, and

Ordered, That the Petition above referred to be dismiss'd accordingly.

Sent down for Concurrence.

Read and Concurred.

Sent up.

Isaac Winslow Esq; brought down from the Honourable Board, the Petition of *William Anthony*.

Samuel Thaxter Esq; came down with a Message from the Honourable Board, desiring that Mr. *Moore's* Papers might be sent up.

Soon after which, Mr. *Little* was

Ordered, To go up to the Honourable Board to acquaint them, that the House had those Papers under their Consideration.

A Memorial of *Henry Rolfe* Esq; and *John Chandler*, in behalf of themselves and the admitted Settlers of *Pennicook*, that their Petition exhibited to this Court the 2d. of *July* last, and which was then referred to the next Session, may be revived, and that they may now be incorporated into and vested with Town Priviledges. Also, that for Reasons therein mentioned, the Court would grant them *One Hundred Pounds* out of the Money they have paid, and such further Sum as the Court shall think proper, to enable them to defrey the great Cost and Charge they have been at in making Ways and Bridges for convenient passing and re-passing to and from the Place before mentioned, and also for erecting a new convenient Block-house for their Defence, &c. Read, and

Ordered, That the Petition above referred to, be, and hereby is revived; and the Lands therein mentioned incorporated and erected into a Township by the Name of ———— and declared to be within the County of *Essex*, and vested with the like Powers, Priviledges and Immunities as other Towns within this Province have, do or ought by Law to enjoy, and that the Sum of *One Hundred Pounds* be allowed the Memorialists and their Associates, (to be deducted out of the *Five Hundred Pounds*, payable by them to the Province) for enabling them to defrey the Charges mentioned in their Memorial.

Sent up for Concurrence.

Voted, That Mr. *Hobson* and Mr. *Hutchins* have leave to absent till next *Tuesday*.

Then the House Adjourned till to Morrow Morning Ten o' Clock. [25]

Sabbati Die 20. Februarij, A. D. 1730.

AN Ingross'd Bill intituled, *An Act for erecting, granting and making a County in the Inland parts of this Province, to be called the County of ———— and for Establishing of Courts of Justice within the same.* (Brought down by Mr. Secretary) Read, and

Resolved, That the same pass to be Enacted.

Sent up for Concurrence.

Voted, That Capt. *Foster* and Capt. *Fowle* be excused for their Absence.

—— That Capt. *Robinson* have leave to be absent till next *Wednesday*.

—— Capt. *Rogers* till the Afternoon of next *Tuesday*.

—— Capt *Blake* to go Home for the Recovery of his Health, to return so soon as that will admit of it.

The Petition of *William Anthony*, (praying as entred the 15th. Instant) Pass'd in Council, *viz* In Council, *February* 19. 1730. Read again, and it appearing that *John Read* Esq; has been duly served with a Copy of this Petition,

Ordered, That the prayer of this Petition be so far granted, as that the Justices of the Superior Court of Judicature, be impowered and directed to Order, That the Petitioner's Action of Review within referred to, be entred *De Novo*, and to continue the said Action over to the next Term, that so *John Read* Esq; Attorney to the adverse Party, may Notify him thereof, and he may have Opportuniry to defend the said Action: Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence.

Read and Concurred.

Sent up.

Upon a Motion made and seconded,

Voted, That the several Petitions for Lands (now lying before the Court) be, and hereby are revived, and be taken into Consideration this present Session.

A Bill intitled, *An Act for the Relief of poor Prisoners for Debt*.

Read a first Time.

The Bill intitled, *An Act for the Relief of, and to prevent the Oppression of Debtors*.

Read a third Time. And

Resolved, That the same pass to be Ingross'd.

Sent up for Concurrence.

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of *James Corse*, (entred the 18th. Instant) Read and accepted, and

Voted, That the further Sum of *Ten Pounds* be allowed and paid to the Petitioner *James Corse* for the Service therein mentioned.

Sent up for Concurrence. [26]

Upon a Motion made and seconded,

Voted, That the House come upon the Consideration of His Excellency's Support, next *Wednesday* at Three a Clock in the Afternoon, and that the Members then attend.

Voted, That Mr. *Flagg* have leave to be absent till next *Tuesday* come sen'night, and Mr. *Gill* till next *Tuesday*.

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of sundry of the Inhabitants of *Brimfield*, (entred the 16th. Instant) Read and accepted, and

Ordered, That the prayer of the Petition be so far granted, as that some of the principal Inhabitants of the Town of *Brimfield*, be served with a Copy of the Petition, that so they may give in their Reasons, (if any they have) against the prayer thereof, on the second *Fryday* of the Sessions of this Court in *May* next. And that the last Committee of *Brimfield* be also served with a Copy of the Petition, that they may shew Cause why the same may not be granted, as to what refers to them, and also that the said Committee do suspend acting any further in the Affair of said Town until the Order of this Court, and that the said Committee be also directed to have the Books and Papers relating to the whole of the Settlement of the said Town, ready for the Perusal of this Court, on the second *Fryday* before mentioned. And that the Inhabitants of the said Town be so far freed from a Committee, and have and enjoy the Powers and Priviledges of a Town, as to raise and make Taxes, call a Meeting, choose Town Officers, &c. Provided, that in the Use of said Powers they shall not presume to pass any Acts or Grants that may affect the Property, or any ways concern any of the Lands lying within the said Township, and that the Committee for *Brimfield* be directed and impowered to give Copies of Grants of Land to the Non-resident Proprietors, if they request the same. And that Capt. *John Shermon*, a principal Inhabitant of the said *Brimfield*, be, and hereby is fully Authorized and Impowered to Notify and Warn the Freeholders and other Inhabitants of said Precinct, to Assemble and Convene in some publick Place in *Brimfield* aforesaid, some time in *March* next, requiring them to choose all Town Officers.

Sent up for Concurrence.

On the Petition of *William Pynchon*, &c. (entred Yesterday) Read and accepted, and *Ordered*, That this Petition be referred to the second *Fryday* of the next *May* Session, then to be considered, with the other Petition and Matters relating to the Affairs of the Town of *Brimfield*.

Ordered, That Mr. *Wellington* go up with Mr. *Moore's* Papers.

A Memorial of *Jeremiah Moulton*, Sheriff of the County of *York*, praying the Court would Order the Payment of *Forty one Pounds* to him, for the Use of the Prison-keeper in said County, and also such further Sum as the Court shall think fit, for the Reasons and Service therein mentioned.

Read and committed to the Committee for Petitions.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 22 Februarij, A. D. 1730.

A Petition of *Jeremiah Moulton* for himself and others, Subscribers to a Petition exhibited to this Court the 19th. of *November 1729.* for a Township on the *East Side of Saco-River*, praying, that the said Petition may be reviv'd and re-consider'd, and that the same may be granted, for Reasons mentioned. Read, together with the Petition within referr'd to, and committed to the Committee for Lands.

Voted, That Mr. *Ward* be excused for his Absence.

A Petition of *James Grant* of *Berwick* in the County of *York*, praying the Court's Consideration with respect to some Money in Arrears, and yet due to him for Service done, (accompanied with a particular Account thereof) Read, and the Question put, *Whether the said Petition and Account be committed to the Committee for Petitions?* And it pass'd in the Negative. Then,

Whether the prayer of the Petition should be granted? And it pass'd also in the Negative.

A Petition of *Joseph Hill* Esq; Representative for the Town of *Wells*, praying, that a Mulct or Fine imposed on the said Town, by the House at the Session in *May* last, for their not sending a Person to Represent them, might be remitted, and their Excuse accepted of, for Reasons mentioned. Read, and the Question put, *Whether the Prayer thereof should be granted?* And it pass'd in the Negative.

A Petition of *Robert Wilson*, praying the Consideration of this Court upon the account of his low and distressed Circumstances, and that he may be either ordered to *Castle William*, or some other Fortification where he may be taken Care of, or otherwise relieved under his present Difficulties, for Reasons mentioned.

Read and committed to the Committee for Petitions. [28]

The Petition of *Elizabeth Hammond*, entred the 16th. Instant, brought down on *Wednesday* last, by *Seth Williams* Esq; Pass'd in Council, viz.

In Council, *February 16. 1730.* Read and Concurred, so far, That one Hundred Acres only of the unappropriated Lands be laid out, &c.

Sent down for Concurrence. Read and Non-concurred.

And the House adhere to their own *Vote*, with this Amendment, viz Three Hundred instead of Five Hundred Acres.

Sent up for Concurrence.

The Petition of *Jacob Chalcom*, entred the 18th. Instant, brought down from the Honourable Board the 19th. Instant. Pass'd in Council, *viz.* In Council, *February* 19. 1730. Read and Concurred, and that *Francis Fullam* Esq; be desired to assist the Petitioner as well in the Sale of the Land, as in the laying out the Produce thereof for the Uses above mentioned.

Sent down for Concurrence.

Read and Non-concurred, and the House adhere to their own *Vote*.

The Petition of *Zachariah Fitch*, Guardian of *James Kebbey*, entred the 16th. Instant, brought down from the Honourable Board, by *Ebenezer Stone* Esq; the 17th. Instant. Pass'd in Council, *viz.* In Council, *Feb. 17.* 1730. Read and concurred with the Amendment, *viz.* Legal Representatives of *William Perkins*, deceased, or their Assigns, be, and hereby are impowered.

Sent down for Concurrence.

Read and Concurred.

Sent up.

A Petition of *Jacob Wyman* of *Woburn* in the County of *Middlesex*, Merchant, praying, That a Petition by him formerly exhibited to the Court may be reviv'd, and that he may be relieved according to the Prayer thereof, for Reasons mentioned. Read, and

Ordered, To lie on the Table.

Then the House Adjourned till to Morrow Morning Ten o'Clock.

Martis Die 23. Februarij, A. D. 1730.

V*Oted*, That the Members that were absent Yesterday be excused.

A Memorial or Petition of *William Ayers* and others, Inhabitants of several Towns within this Province, praying for a Tract of Land of about Ten Thousand Acres, between *Brookfield*, *Braintree-Farm*, *Rutland*, and a Township Surveyed by Mr. *Ruggles* and Company, and if said Land be not free, then in some other Place as near the same as may be, for a Settlement, for Reasons mentioned.

Read and committed to the Committee for Lands.

A Petition of the Town of *Attleborough* in the County of *Bristol*, praying the Lands owned by the Non-residents, being about Three Thousand Acres may be Taxed at so much per Acre, and in such way and manner, [29] as to the Court shall seem meet, and to enable them to recover the said Tax, for Reasons mentioned. Read, and

Ordered, That the prayer of the Petition be granted, and that the Assessors of the said Town of *Attleborough*, be, and hereby are impowered to Assess the Owners of the said Lands, the Sum of *One Hundred Pounds*, in proportion to their Value, and the Benefit that may accrue to the Non-residents by the Charge within-mentioned, and that the Constable or Constables for said Town, be, and hereby are impowered to collect the same accordingly, and pay the

same into the Treasury of the said Town, to be applied to and for defraying the Charge within mentioned, and to and for no other Use, Intent or Purpose whatsoever.

Sent up for Concurrence.

Timothy Lyndal Esq; came down from the Honourable Board with a Message, desiring to speak with *Thomas Church* and *Job Almy* Esqrs. and Col. *Church*, who having the Liberty of the House went up accordingly.

Voted, That Maj. *Brattle* and Mr. *Dudley* be excused for their Absence last Week and Yesterday.

A Petition of *Abraham Johnson*, now in the Service of the Province, *Eastward*, as Interpreter to the Indians, praying, That the Court would consider him so far as from the 22d. of *September* last past, the Time he was last paid; and so forward to allow him the same Wages that all other Interpreters, *Eastward*, have allowed them, for Reasons mentioned.

Read and committed to the Committee for Petitions.

A Petition of *Samuel Hood* Junr. of *Boston*, Shipwright, praying, That he may have Liberty to file his Reasons of Appeal (in four Cases referr'd to in the Petition) in the Clerk's Office of the Inferior Court of Common Pleas within the County of *Suffolk*, he notifying the Attorney of the adverse Party thereof, and that he may have a Trial of his said Cases either at this or the next Superior Court of Judicature, to be holden at *Boston* for the said County, and that the Justices of the said Superior Court may be directed to respite entring up Judgment, or if Judgment be already entred up, to stay Execution until that Time, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the adverse Party or his Attorney, with a Copy of the Petition, that he may shew Cause if any he have, on *Fryday* next, why the prayer thereof may not be granted.

Sent up for Concurrence.

A Petition of *Martha Chamberlain* of *Boston*, Widow of *Ebenexar Chamberlain*, late of the same place, Mariner, deceased, praying the Court to declare her said Husband's last Will to be good in Law, so far as concerns the Disposition of his Real Estate, and that she, with the Advice of good Friends, may have leave, pursuant thereto, to dispose of the said Real Estate for her Support, &c. Read, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative.

Mr. Treasurer Allen's Accompt of Payments of the sundry Draughts made by the General Assembly, since the Supply of the Treasury in *October*, 1730.

Read. [30]

Ordered, That Mr. *Cushing*, Maj. *Brattle* and Mr. *Bisby*, be a Committee to inspect the several Draughts that have been made upon the Treasury, since the last Supply thereof, and Report thereon.

The Petition of *William Almy*, entred the 11th. of *September* last. Pass'd in Council, viz. In Council, *February* 16. 1730. Read again, together with the Answer of *Josiah Briggs*. And

Ordered, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Non-concurred. And

Ordered, That the Petitioner have Liberty to file his Reasons of Appeal in the Case within mentioned, in the Clerk's Office of the Inferior Court of Common Pleas within the County of *Bristol*, Fourteen Days before the sitting of the next Superior Court of Judicature within and for said County, and the Justices of the said Superior Court are hereby impowered and directed to Hear and Try the said Cause, enter up Judgment, and award Execution accordingly, and that Execution be stay'd in the mean time: Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Voted, That Mr. *Eastabrooks* be excused for his Absence.

Spencer Phipps Esq; brought down from the Honourable Board the Petition of *Job Almy*, &c. Entred the 30th. of *December* last. Pass'd in Council, viz. In Council, *February* 23. 1730. Read again, and

Ordered, That the further Consideration be referred to the second *Wednesday* of the next *May* Session.

Sent down for Concurrence.

Withal informing the House, That the Reason of the Board's so doing, was because the Parties were inclined to an Accommodation.

Read and Concurred.

The Bill intitled, *An Act empowering Courts to Adjourn*, &c.

Read a third Time. And passed to be Ingross'd.

Sent up for Concurrence.

The Precept for the Choice of a Representative of the Town of *Sherbourn* in the County of *Nantucket*. Read, whereby it appeared, that *George Bunker* Esq; was chosen.

The Bill intitled, *An Act for the Relief of poor Prisoners for Debt*.

Read a second Time.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Voted, That the Members that were absent Yesterday, and to Day in the Forenoon, be excused.

Voted, That Mr. *Bisby* and Mr. *Choat* be added to the Committee for Petitions. [31]

A Bill intituled, *An Act for the Payment of the Members of the Great and General Court, lately Dissolved, and of the present Court to the end of this Session.*

Read a first Time.

The Bill to *prevent unnecessary Law Suits.*

Read a second Time.

Voted, That Maj. *Chandler* be added to the Committee for Laws.

His Excellency's Speech of the 16th. of *December* last, together with His Majesty's 16th. and 18th. Instructions, Read, as also the Report of the Committee appointed to consider of said Speech.

Ordered, That Mr. *Speaker*, Mr. *Cooke*, Mr. *Hall*, Maj. *Brattle*, Mr. *Cushing*, Mr. *Welles*, Mr. *Lewis* and Maj. *Bowles*, with such as the Honourable Board shall appoint, be a Committee in the Recess of the Court, to repair to *Harvard-College* in *Cambridge*, to acquaint themselves with the Constitution of that Corporation, and inquire into the present State and Situation of the Affairs of that Society; as likewise to inform themselves of the Conveniencies and Inconveniencies of the Lodgings, (more especially those in *Stoughton College*) for the Tutors, Graduates and Students there, to make Report at the Sessions of this Court in *May* next.

Sent up for Concurrence.

Ordered, That Mr. *Cooke*, Mr. *Lewis*, Mr. *Cushing*, Mr. *Welles* and Maj. *Chandler*, be a Committee to prepare the Draught of a Bill, appointing Commissioners to settle the Boundary Line between this Province and the Province of *New-Hampshire*.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurij Die 24. Februarij, A. D. 1730.

V*Oted*, That Mr. *Lynde* and Capt. *Gould*, be excused for their Absence.
Mr. *Cushing* from the Committee for Petitions, Reported on the Petition of *Abraham Johnson*, entred the 23d. Instant. Read, and so far accepted, as that there be allowed the Petitioner the Sum of *Six Pounds* per Month, from the Twenty second Day of *September* last, to the Time of Capt. *Smith's* making up his next Muster-Roll, for the Service therein mentioned.

Sent up for Concurrence.

Peter Thatcher Esq; brought down from the Honourable Board the Petition of *Jacob Chalcom*, *Elizabeth Hammond*, *Attleborough*, and two of Mr. *Austin's*, also *Houssatunnock* Committee's Report, and the Accompt of *Taunton* Committee's Expence.

Samuel Thaxter Esq; brought down from the Honourable Board the Petition of *Jacob Austin*. [32]

William Dudley Esq; brought down the Report of the Committee about the Gore of Land near *Bridgwater*.

Daniel Oliver Esq; brought down a Petition of *Margaret Procter* of *Boston*, Widow.

The Memorial of *Joseph Stevens* and others, praying, as entred the 18th. of *December* last, together with the Petition and Papers therein referred to, as also a Petition of *Thomas Phillips* for himself and others, the Proprietors of a Farm called *Hathorn's Farm*, part of the Town of *North-Town*, praying, That before the Plan of said *North-Town* is confirmed, they may be allowed at their own Cost and Expence, to Survey the said Farm, and lay the same before the Court, for Reasons mentioned. Read, and the Parties were admitted into the House, and fully heard, and then withdrew.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. *Washburn* be excused for his Absence.

The Petition of *Jacob Austin* of *Suffield*, entred the 14th. of *September* last, brought down in the Forenoon by *Peter Thatcher* Esq; Pass'd in Council, viz. In Council, *Feb. 24. 1730.* Read again, together with the Answer of *Noah Ashley*, and the same being fully considered,

Ordered, That this Petition be dismiss'd.

Sent down for Concurrence. Read and Non-concurred. And

It appearing from the Justices Record, that he removed the Case within mentioned, contrary to Law, and that the Petitioner has not had the Benefit of the Law,

Ordered, That the prayer of the Petition be granted, and that the Petitioner be admitted to a Trial of the Case mentioned in the Petition, at the next Inferior Court of Common Pleas, to be holden at *Springfield* for the County of *Hampshire*, on the Third *Tuesday* in *May* next, and the Justices of the said Court are hereby directed and impowered to Hear and Try the same, enter up Judgment, and award Execution accordingly; and that Execution be stay'd in the mean time; Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Seth Williams Esq; brought down from the Honourable Board, a Bill for Partition of Minors Lands, and one other for taking away Benefit of Clergy.

A Petition of *Margaret Procter* of *Boston*, Widow, praying, That a Judgment of the Superior Court, now sitting in *Boston*, within and for the County of *Suffolk*, for quashing an Action of Trespass brought by the Petitioner against *William Greenleaf* of the same place, may be set aside, and that she may be enabled to pursue her Appeal in the said Court at the present Sitting

thereof, or otherwise provided for, as to the Wisdom of this Court shall seem fit. Pass'd in Council, *viz.* In Council, *Feb.* 24. 1730. Read, and *Ordered*, That the Petitioner serve the adverse Party with a Copy of the Petition, that he shew Cause if any he have, on *Friday* next, why the Prayer thereof may not be granted.

Sent down for Concurrence. Read and Concurred. Sent up.
Then the House Adjourned till to Morrow Morning Ten o' Clock.

B O S T O N: Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1730. [33]

VOTES

Of the House of Representatives.

Jobis Die 25. Februarij, A. D. 1730.

VOted, That Col. Gorham have leave to be absent till *Wednesday* next.
—— That Mr. Kingsbury and Capt. Brentnal be excused for their Absence.

The Bill intituled, *An Act for the Payment of the Members of the Great and General Court, lately Dissolved, and of the present Court to the end of this Session.*

Read a second Time.

The following Question was moved, viz.

Whether the County ought to bear the Charge of the Prosecution and Execution of any Person convict of Felony, before the Court of Assize and General Goal Delivery, although the Person convict have an Estate? Resolved in the Affirmative.

Sent up for Concurrence.

Theophilus Burrel Esq; brought down from the Honourable Board, the Bill empowering Courts to Adjourn, and the Petition of *George Dunbar*.

Timothy Lyndal Esq; brought down a Petition of the Reverend Mr. *Andrew Le Mercier* and sundry others, *French* Protestants.

Mr. Speaker from the Committee appointed to consider what may be proper to be done by this Court, for the Support of His Excellency the Governour, brought in a Bill entitled, *An Act for the Support of His Majesty's Governour, in the discharge of the Honourable and Weighty Trust reposed in Him;* and laid the same on the Table for the Consideration of the House, which was Read, and Ordered, That the same have a second Reading to Morrow in the Forenoon.

A Bill entitled, *An Act for taking away the Benefit of the Clergy from Criminals in all Cases.* Pass'd in Council, viz. In Council, Feb. 23. 1730. Read. 24th. Read a second Time, and pass'd to be Ingross'd. Sent down [34] for Concurrence. Read a first Time, and Ordered, That the same have a second Reading to Morrow in the Afternoon.

A Bill entitled, *An Act for Repealing an Act, entitled, An Act to enable Guardians to joyn in the Partition of Lands or other Real Estate, wherein Minors are concerned, and for making other Provision therefor.* Pass'd in Council, viz. In Council, Feb. 21. 1730. Read. February 24th. Read a second time, and pass'd to be Ingross'd. Sent down for Concurrence.

Read a first Time.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Mr. *Cushing* from the Committee for Petitions, Reported on the Memorial of Mr. *Sheriff Moulton*, entred the 20th. Instant, Read, accepted, and

Voted, That the Sum of *Twenty five Pounds* be allowed the Petitioner for defreying the Charge within mentioned.

Sent up for Concurrence.

A Petition of *John Phinney* of *Falmouth* in the County of *York*, Ferryman, praying the Court would Order and empower the Justices of the General Sessions of the Peace for the said County, at their Session in *April* next, to grant him a Licence to keep a publick House of Entertainment in said Town where he now dwells; and that in the mean time he may be allowed so to do, he Recognizing as is usual in such cases before one or more Justices, for his keeping good Order, for Reasons mentioned. Read, and

Ordered, That the prayer of the Petition be so far granted, as that the Justices of the General Sessions of the Peace for the County of *York*, be, and hereby are empowered, if they see Cause, at their Sessions in *April* next, to grant a Licence to the Petitioner to keep a Tavern at the place mentioned in the Petition, the Time by Law for granting of Licences being elapsed, or any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Petition of *John Allen* of *Chilmark* in the County of *Dukes* County, praying he may be enabled, at an Inferior Court of Common Pleas, to be holden at *Boston* in the County of *Suffolk*, to bring forward a Writ of Review for reversing a Judgment obtain'd against the Petitioner, by *Philip Jones* of said *Boston*, at an Inferior Court held at said *Boston* in *January*, 1729. for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the adverse Party with a Copy of the Petition, that he may shew Cause if any he have on *Tuesday* next, why the Prayer thereof may not be granted.

Sent up for Concurrence.

The Petition of *Vincent Shicklestworth* of *Wrentham*, entred the 24th. of *December* last, Read again, and committed to the Committee for Petitions.

The House took into Consideration the Affair of *North-Town*, (so called) and after some considerable Debate thereon,

Ordered, That the prayer of the Petition of *Joseph Stevens* and others be granted, and that the Lands delineated and described in the Plan therein re-[35] ferred to, be, and hereby are incorporated and erected into a distinct and separate Township, by the Name of ———— and the Inhabitants thereof vested with the like Powers, Priviledges and Immunities as other Towns within

this Province, do, or ought by Law to enjoy; Provided the Land within mentioned doth not interfere with any other or former Grant, and that the Petitioners have leave to bring in a Bill accordingly.

Sent up for Concurrence.

Samuel Thaxter Esq; brought down from the Honourable Board, the Order of the Committee to repair to *Harvard-College*.

An Account of the Time and Expence of the Committee that went to *Taunton* in *October* last, by Order of this Court, amounting to *Seventeen Pounds and seven Pence*. Pass'd in Council, *viz.* In Council, *Feb. 23. 1730.* Read, and

Ordered, That this Accompt be allowed, and that the Petitioners in the *Northeast* part of *Taunton*, pay one half of the Accompt, and the Petitioners in the *Southwest* part pay the other half thereof.

Sent down for Concurrence. Read and concurred.

A Petition of *Charles Church* Esq; and others, Representatives of that part of this Province formerly the Colony of *New Plymouth*, praying the Court to grant the Inhabitants dwelling in that part of the Province, three Tracts of Land of Six Miles square each, *viz.* one for the County of *Plymouth*, one for the County of *Bristol*, and another for the County of *Barnstable*, and likewise grant Leave by a Surveyor and Chainmen under Oath to take a Plan of said Land, and exhibit the same to this Court for Confirmation at their Session in *May* next, and to be under such Regulations for settling the same, as this Court in their Wisdom shall think best.

Read and committed to the Committee for Lands.

The Report of the Committee to inquire into the Province's Right in a parcel of Land lying on *Bridgewater* Six Mile Line. Pass'd in Council, *viz.* In Council, *Feb. 24. 1730.* Read and Non-concurred, and the Board adhere to their own Vote.

Sent down for Concurrence. Read, and the Question put, *Whether the House will concur with the Honourable Board in their Vote?* And it pass'd in the Negative. And

Then the Question put, *Whether the House adhere to their own Vote?* And in pass'd in the Affirmative.

Sent up for Concurrence.

John Turner Esq; brought down from the Honourable Board, the Bill for the Relief of, and to prevent the Oppression of Debtors.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 26. Februarij, A. D. 1730.

Voted, That Mr. *Chapin* and Mr. *Lemmon* be excused for their Absence.
 — That Maj. *Chandler* have leave to be absent till next *Tuesday*
 Noon. [36]

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of *John Elder*, entred the 18th. Instant. Read and accepted, and accordingly

Voted, That the Sum of *Forty five Shillings* be allowed the Petitioner for defreying the Charge within mentioned.

Sent up for Concurrence.

On the Petition of *John Young*, entred the 18th. aforesaid. Read and accepted, and

Ordered, That the Petition be accordingly dismiss'd.

The Bill intituled, *An Act for the Support of His Majesty's Governour in the Discharge of the Honourable and Weighty Trust reposed in him*. Read a second Time, and a long Debate had thereon, and *Voted*, That the same have a third Reading to Morrow Morning.

William Clark Esq; brought down from the Honourable Board the Petition of *Samuel Hood* and *Margaret Procter*.

The Bill intituled, *An Act for the Relief of, and to prevent the Oppression of Debtors*. Pass'd in Council, viz. In Council, *Feb. 22. 1730*. Read. 25th. Read a second time, and Concurred with an Amendment.

Sent down for Concurrence. Read and Concurred.

Sent up.

Agreeable to the Desire of the House, by a Message this Day sent up to His Excellency for that purpose, Mr. Secretary brought down His Majesty's Royal Order in Council to His Excellency of the 12th. of *November* last, relating to *Frederick's Fort*, formerly called the Fort of *Pemaquid*, accompanied with a Letter written by Order of the Governour and Council to the Agent of this Province relating to the Affair therein mentioned.

Jonathan Dowse Esq; brought down from the Honourable Board the Papers relating to *North-Town* Affair.

Voted, That Mr. *Hoyt*, Mr. *Learned* and Mr. *Dudley* have leave to be absent till *Wednesday* next.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. *Longley* have leave to be absent till *Tuesday* next.

The Petition of *Jacob Wyman*, praying as entred the 22d. Instant, Read again, and the Question was put, *Whether the prayer of the Petition should be granted?* It pass'd in the Negative.

The Memorial of *Joseph Stevens* and others, entred the 25th. Instant. Pass'd in Council, viz. In Council, *Feb. 26. 1730*. Read and Non-concurred, and

Ordered, That *Samuel Danforth Esq*; with such as the Honourable House of Representatives shall appoint, be a Committee to repair to the *North-*

Town [37] in *Turkey Hills*, first Notifying the Inhabitants of said *Town*, as also the Selectmen of *Dunstable*, of the Time of their coming; and that they carefully Survey the Line between the said *North-Town* and *Dunstable*, and fully hear the Parties thereon, and make Report to this Court at the next *May* Session, whether the Plat of the *North-Town* given into this Court incroaches upon the *Town* of *Dunstable*, according to its true and allowed Bounds, and what quantity of Land it takes off from it; and that the said Committee make Enquiry how far the Grantees of the *North-Town* have fulfilled the Conditions of the said Grant, and what Settlements are made there, and make Report as above; The Charges to be born as this Court shall Order.

Sent down for Concurrence.

Read, and Ordered, That Messieurs *Samuel Chandler* and *William Fletcher* be joyned in the Affair. Sent up.

The Bill *impowering Courts to adjourn and remove from the Towns appointed by Law for holding Courts, to other Towns, in case of Sickness by the Small Pox.* Pass'd in Council, *viz.* In Council, *Feb. 23. 1730.* Read a second Time, and pass'd a Concurrence with the Amendment.

Sent down for Concurrence.

Read and Concurred with a further Amendment.

The Petition of *Jacob Chalcom*, entred the 22d. Instant, pass'd in Council, *viz.* In Council, *Feb. 23. 1730.* Read and Non-concurred, and the Board adhere to their own Vote.

Sent down for Concurrence.

Read and Concurred.

The Bill for *taking away the Benefit of the Clergy from Criminals in all Cases.* Read a second time, and a Debate thereupon.

A Petition of *Edward Stotesbury*, praying, That an Action depending between him and *John Merrit* of *Boston*, Merchant, that was to have been Tried at the Superior Court now sitting in *Boston*, but for a Reason urged by the said *Merrit*, continued over by the said Court to their next Term, might come to a Trial at their present Session, for Reasons mentioned.

Read.

A Petition of *Andrew Le Mercier*, *Daniel Johonnot*, *Andrew Sigourney*, *John Petel*, *Adam Duckeram* and *Martin Brimmer*, (*French* Protestants in this Province) praying the Court to confer upon them the Rights and Priviledges of Denizens or Free-born Subjects of the King of *Great Britain*, or otherwise be relieved as the Court shall see meet, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *Feb. 25. 1730.* Read, and

Ordered, That the prayer of the Petition be so far granted, as that the Petitioners shall within this Province hold and enjoy all the Priviledges and Immunities of His Majesty's natural-born Subjects, and that they have leave to bring in a Bill accordingly.

Sent down for Concurrence.

Read and Concurred.

The Petition of *Margaret Procter*, entred the 24th. Instant. Pass'd in Council, *viz.* In Council, *Feb.* 26. 1730. Read again, together with the Answer of *William Greenleaf*, and the same being fully considered,

Ordered, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Concurred. [38]

The Petition of *George Dunbar*, entred the 21st. of *September* last, Pass'd in Council, *viz.* In Council, *Feb.* 24. 1730. Read again, and it appearing that the adverse Party was duly served with a Copy of this Petition,

Ordered; That the prayer of the Petition be granted, and the Petitioner is accordingly impowered to file his Complaint at the next Superior Court of Judicature, to be holden at *Bristol* for the County of *Bristol*, against *Isaac Reynolds*, for not prosecuting his Appeal within mentioned, and the Justices of the said Court are Authorized and Directed to proceed on the said Complaint according to the Directions of the Law; Provided the Petitioner Notify the said *Reynolds* of this Order, Fourteen Days before the sitting of the said Court; any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence.

Read and concurred.

A Petition of *Abigail Allen*, Relict Widow and Administratrix of the Estate of *Joseph Allen*, late of *Weston* in the County of *Middlesex*, deceased Intestate, the Children of Age of the said deceased, and Guardians of Minors, praying the Court to impower them to make Sale of the whole of the said Deceased's Real Estate, for Reasons mentioned. Read, and the Question put, *Whether the Prayer of the Petition should be granted?* And it pass'd in the Negative.

Voted, That Mr. *Barrow* have leave to go Home to visit his Family.

Ordered, That Mr. Speaker, Mr. *Cooke* and Mr. *Shove*, be a Committee to consider what may be proper to be done by this House, relating to the Affair mentioned in His Majesty's Order, and the Letter brought down this Morning by Mr. Secretary, and to make Report so soon as may be.

A Petition of the Selectmen of *Leicester* in behalf of themselves and the said Town, praying the Interposition of the Court as to some unhappy Differences that have arisen between them and their Minister, the Reverend Mr. *David Parsons*, and that they may have a Hearing thereon before the Court, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *February* 25. 1730. Read, and

Ordered, That the Petitioners serve the Reverend Mr. *David Parsons* with a Copy of this Petition, that so he may shew Cause if any he have, on the first *Fryday* of the next *May* Session, why the prayer of the Petition should not be granted. Sent down for Concurrence. Read and concurred with an Amendment.

Sent up for Concurrence.

A Petition of *Ebenezar Robinson* and *Zephaniah Leonard*, Agents for the *Northeasterly* part of the Town of *Taunton*, praying, That (for Reasons mentioned) they may be erected into a distinct and separate Township, agreeable to the Bounds set forth in the Petition. Read, and

Ordered, That the prayer of the Petition be granted, and that the Lands within mentioned, agreeable to the Bounds thereof set forth in the Petition, be, and hereby are incorporated and erected into a distinct and separate Township, by the Name of ——— and the Inhabitants thereof vested with the like Powers, Privileges and Immunities which other Towns [39] within this Province have, or ought by Law to enjoy; and that the Petitioners have leave to bring in a Bill accordingly.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Sabbati Die 27. Februarij, A. D. 1730.

V*Oted*, That Mr. *Tompson* and Mr. *White* have leave to be absent till *Tuesday* next in the Afternoon.

Agreeable to the Order of the Day, the Bill for His Excellency's Support had a third Reading, and upon a Motion made and seconded, (after a considerable Debate) that some Amendment might be made thereon,

Voted, That the same for that purpose be committed to the Gentlemen appointed the 18th. Instant, to consider of His Excellency's Support; to make Report so soon as may be. And that the House proceed to the further Consideration of the said Affair on *Wednesday* next in the Afternoon.

Thomas Hutchinson Esq; brought down from the Honourable Board a Petition of *Joseph Wanton* and *Richard Borden*, for and in behalf of Friends, the People called Quakers, Inhabitants within this Province.

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of *William Jeffrey*, entred the 16th. Instant. Read, accepted and accordingly

Voted, That there be allowed the Petitioner for his Relief and Support, the Sum of *Fifteen Pounds*, (being after the Rate of *Five Pounds* per Annum) for the Three last Years, the same to be paid to Capt. *Freeman*, and by him to be paid out to the Petitioner as his Necessities require, the said *Freeman* to be accountable for the Distribution thereof. And in case the said *William Jeffrey* should die before the whole of the said Sum is expended, the Remainder thereof to be paid into the Treasury.

Sent up for Concurrence.

The Petition of *Edward Stotesbury*, entred Yesterday, Read again, and

Ordered, That the Petitioner serve the adverse Party with a Copy of the Petition, that so he may shew Cause, (if any he have) on *Tuesday* next, why the Prayer thereof may not be granted.

A Bill intituled, *An Act in further addition to the Act incouraging the killing of Wolves, made in the fifth Year of the Reign of King William and Queen Mary.*

Read a first Time.

Voted, That Col. *Fullam* have leave to be absent till *Tuesday* next.

Then the House Adjourned till *Monday* next, Four a Clock in the Afternoon.

B O S T O N : Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1730. [41]

VOTES

Of the House of Representatives.

Lunæ Die 1. Martij, A. D. 1730.

VOted, That Mr. D'Eath be excused for his Absence.

A Memorial or Petition of *Joseph Wanton* and *Richard Borden*, for and in behalf of Friends, the People called *Quakers*, Inhabitants within this Province, praying the Court's Consideration as to some Laws made relating to them, for Reasons mentioned. Pass'd in Council, viz. In Council, Feb. 27. 1730. Read, and

Ordered, That *Benjamin Lynde*, *Timothy Lyndal*, *William Dudley* and *Jonathan Remington* Esqrs. with such as the Honourable House of Representatives shall appoint, be a Committee to consider what is proper for this Court to do on this Memorial.

Sent down for Concurrence. Read and concurred. And

Ordered, That Mr. *Almy*, Mr. *Church*, Mr. *Bourn*, Mr. *Wright* and Mr. *Porter* be joyn'd in the Affair.

John Chandler Esq; came down with a Message from the Honourable Board, desiring to know whether any thing was like to come up from the House before they rise.

This being the happy Anniversary of Her Majesty Queen *Caroline's* Birth Day, and the General Court being now convened,

Voted, That it is the Desire of the House, that this Court may express their Duty and Loyalty in the Town-House upon that joyful Occasion, and that a Message be sent up to the Honourable Board to acquaint them with this their Desire. Which Vote of the House was accordingly carried up by Mr. *Lewis*.

Voted, That Mr. *Hobson* and Mr. *Bourn* be added to the Committee to consider of His Excellency's Support.

Then the House Adjourned till to Morrow Morning Ten a Clock. [42]

Martis Die 2. Martij, A. D. 1730.

VOted, That the Members that were absent Yesterday be excused.

A Petition of *Samuel Porridge* and his Wife, and others, Indians, praying the Help and Advice of the Court as to an Island of theirs, called *Oyster-Island*.

Read and committed to the Committee for Petitions.

An Ingross'd Bill entitled, *An Act impowering Courts to adjourn and remove from the Towns appointed by Law for holding Courts, to other Towns, in case of Sickness by the Small Pox.* Read, and pass'd to be Enacted.

Sent up for Concurrence.

An Ingross'd Bill entitled, *An Act for Relief of, and to prevent the Oppression of Debtors.* Read, and pass'd to be Enacted.

Sent up for Concurrence.

The Petition of *John Larrabee*, Lieutenant of His Majesty's Castle *William*, praying the Order of the Court to receive the Wages due to *Edward Dye*, lately a Soldier at said Castle, deceased, (a Batcheldor) for & towards defreying the Charge of his Funeral, (which the Petitioner says he was at the Cost of) and sundry other Notes pass'd by the Deceased in his life Time, for Reasons mentioned. Read, and

Ordered, That the prayer of the Petition be granted, and that the Petitioner be, and hereby is allowed to receive the Wages due to the said Deceased, for and towards defreying the Charge, &c. within mentioned.

Sent up for Concurrence.

The Bill intituled, *An Act for the Payment of the Members of the Great and General Court, &c.* Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

Mr. *Cushing* from the Committee to inspect the Draughts on the Treasury, made Report, which he read in his place, and laid the same on the Speaker's Table.

The Bill entitled, *An Act for Repealing an Act*, entitled, *An Act to enable Guardians to joyn in the Partition of Lands or other Real Estate, wherein Minors are concerned, and for making other Provision therefor.*

Read a second Time.

John Chandler Esq; came down with a Message from the Honourable Board, to inform the House, that they thought it adviseable to make some Amendment on the Order of both Houses (entred the 26th. of *February* last) relating to the Reverend Mr. *Le Mercier* and others, *French* Protestants, which the House came into and amended accordingly.

The Bill entitled, *An Act taking away the Benefit of the Clergy from Criminals in all Cases.* Read a third Time, and the Question put, *Whether the same pass to be Ingross'd?* And it pass'd in the Negative. [43]

A Petition of *Silence Allen* and others, Searchers and Sealers of Leather within the Town of *Boston*, and occupying the Trade of a Cordwainer within the said Town, praying, That an Act may pass in addition to the Act for *Regulating of Tanners, &c.* made in the Tenth Year of King *William*, for Reasons mentioned.

Read and committed to the Committee for Petitions.

The Petition of the Town of *Attleborough*, entred the 23d. of *February* last, Pass'd in Council, viz. In Council, *Feb. 23. 1730.* Read and Non-concurred, and *Ordered*, That the Petitioners serve the Non-resident Proprietors of *Attleborough* with a Copy of this Petition, that so they may shew Cause, (if any

they have) on the first *Tuesday* of the next *May* Session, why the Prayer thereof may not be granted.

Sent down for Concurrence. Read and Non-concurred. And

Ordered, That the Consideration of the said Petition be referred to the first *Tuesday* of the next *May* Session, that the Non-resident Proprietors may then have an Opportunity to shew Cause, (if any they have) why the Prayer thereof may not be granted.

Sent up for Concurrence.

The Order of the House of the 23d. of *February* last, referring to a Committee's repairing to *Harvard-College*, pass'd in Council, *viz.* In Council, *Feb.* 23. 1730. Read and concurred with the Amendment. And *Thomas Hutchinson*, *Thomas Fitch*, *Spencer Phipps*, *William Dudley* and *Jonathan Remington* Esqrs. are joyned in the Affair. Sent down for Concurrence. Read and Non-concurred *Nemine Contradicente*, and the House adhere to their own Vote.

Sent up for Concurrence.

The Petition of *Richard Austin*, entred the 21st. of *September* last, Pass'd in Council, *viz.* In Council, *Feb.* 25. 1730. Read again, together with the Answer of the Committee for *Housatonnuck*, and the same being fully considered, *Ordered*, That this Petition be dismiss'd.

Read.

The Petition of *Samuel Hood*, entred the 23d. of *February* last, pass'd in Council, *viz.* In Council, *Feb.* 26. 1730. Read again, together with the Answer of *David Jones* and *Thomas Cockenden*, and the same being fully considered, *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence. Read and Non-concurred. And

Ordered, That the prayer of the Petition be so far granted, as that the Petitioner have Liberty to file his Reasons of Appeal in the Cases within-mentioned, in the Clerk's Office of the Inferior Court of Common Pleas within the County of *Suffolk*, Fourteen Days before the sitting of the next Superior Court of Judicature, within and for the said County, and the Justices of the said Superior Court are hereby Impowered and Directed to Hear and Try the said Cases, enter up Judgments and award Executions accordingly, and that Executions be stayed in the mean time; any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon. [44]

Post Meridiem.

The Bill intituled, *An Act in further addition to the Act encouraging the killing of Wolves, made in the fifth Year of the Reign of King William and Queen Mary.*

Read a second Time.

The Petition of *Elizabeth Hammond*, entred the 22d. of *February* last, pass'd in Council, viz. In Council, *Feb. 23. 1730.* Read and Non-concurred, and the Board adhere to their own Vote.

Sent down for Concurrence.

Read and Concurred.

Sent up.

A Petition of *Joseph Stephens* and others, a Committee to Regulate the Settlement of *North-Town* within the County of ———— praying the Court to Order and Direct, that all the Proprietors of said *North-Town*, pay toward the Support of the Ministry, and other Town Charges in proportion to their respective Proprieties, and conformable to the Proprietors Votes already pass'd, and that the said Committee or such meet Person as the Court may appoint, be Directed and Impowered to collect and receive the same, for Reasons mentioned. Read.

A Petition of *John Green* of *Malden*, Yeoman, praying, That an Action depending between his Son *John Green* of *Stoneham*, and *Timothy Sprague* of *Malden*, remitted by the last Superior Court of Judicature held at *Charlstown* in the County of *Middlesex*, to the next Inferior Court to be holden at said *Charlstown* in *March* next, for a Trial, might, by reason there is an Action depending between the said *Timothy Sprague* and the Petitioner, to be Tried at the next Superior Court in said County held at *Cambridge*, the Event whereof will determine the said remitted Action, be continued, by Order of the Justices of the said Inferior Court, till such Time as the said Superior Court shall proceed to give Judgment in the said first Cause, and that the Petitioner, under whom his said Son justifies, may be admitted Defendant, upon the Trial of the said remitted Case, in the room of his before-named Son, as he was in the aforesaid first Case. Read.

A Petition of *Samuel Abraham* of *Natick* in the County of *Middlesex*, Indian Proprietor, praying, That he may have Liberty to make Sale of Twenty Acres of Land in one or more parcels, either what is already laid out, or part of his common Rights in the undivided Lands in said *Natick*, (as he shall find most agreeable) to some *English* Man who may be serviceable to the said Town, for the Worth thereof, as it shall be apprized by such Gentlemen as the Court shall see meet to appoint for that Service, for the Purposes and Reasons within mentioned. Read, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative.

Then the House Adjourned till to Morrow Morning Ten a Clock. [45]

Mercurij Die 3. Martij, A. D. 1730.

V*Oted*, That the Members absent this Week hitherto be excused.

A Petition of *John Huggins*, in behalf of the Settlers of the lower Township of *Housatonnuck*, praying the Court to erect them into a Township,

and endow them with the Immunities, Priviledges and Powers of a Town, excepting the disposition and dividing of Lands, and under such other and further Exceptions as the Court shall judge most proper, &c. for Reasons mentioned. Read and committed to the Committee for Petitions.

A Petition of Mr. *Anthony Caverley* and others, Inhabitants of the *Westerly* Precinct of the Town of *Watertown*, praying, That they may be erected into a Township, for Reasons mentioned. Pass'd in Council, viz. In Council, *March 2. 1730.* Read, and

Ordered, That the Petitioners serve the Town of *Watertown*, with a Copy of this Petition, that so they may shew Cause, (if any they have) on the first *Tuesday* of the next *May* Session, why the prayer thereof may not be granted. Sent down for Concurrence. Read and concurred.

Sent up.

A Memorial of *Daniel Eastabrook*, praying that a Petition of his exhibited to this Court sometime in *September* last, may be revived, and the Prayer thereof re-considered, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the adverse Party with a Copy of the Petition, that so she may shew Cause (if any she have) on *Tuesday* next, why the Prayer thereof may not be granted.

Sent up for Concurrence.

The Petition of *Edward Stokesbury*, praying as entred the 26th. of the last Month. Read again, together with the Answer of *John Merrit*, and the same being fully considered,

Voted, That it be recommended to the Justices of the Superiour Court of Judicature so far, to re-consider their Order on the foregoing Petition, as to Order that the Case within mentioned be continued to the next Term only, on the Condition that the said *Merrit* shall deliver the Goods within-mentioned to the Petitioner, he the said Petitioner giving security sufficient to Answer and Discharge any Claim or Demand that the said *Merrit* hath on the Petitioner, this Court conceiving that the Petitioner may greatly suffer by the detaining of the said Goods to the Term to which the Cause is continued. Sent up for Concurrence.

A Bill intituled, *An Act for dividing the Town of Taunton, and erecting a new Town there, by the Name of* ——— Pass'd in Council, viz. In Council, *March 2. 1730.* Read. *March 3d.* Read a second time, and pass'd to be Ingross'd. Sent down for Concurrence.

Read a first Time.

A Bill intituled, *An Act in further addition to an Act for the Settlement and Support of Ministers and School-masters.*

Read a first Time. [46]

The Report of the Committee to inspect the Draughts on the Treasury. Read again, and

Ordered, That Mr. Secretary *Willard* be directed forthwith to lay before this House, the several Accompts upon which the Draughts mentioned in the said Report were made.

A Petition of *William Coffin* of *Boston*, praying, That he may have leave to keep a Tavern in said Town, at the House out of which the late Mrs. *Rebecca Holmes* died, (the *Bunch of Grapes*, so called) for Reasons mentioned. Read, and

Ordered, That the prayer of the Petition be so far granted, as that (upon the Petitioner's producing a Certificate of the Approbation of the Selectmen of said *Boston*) the Justices of the Peace for the County of *Suffolk*, be, and hereby are Authorized and Impowered, if they see Cause, at their next Session within and for said County, to grant a Licence to the Petitioner to keep a Tavern at the Place and House within-mentioned. And that he be in the mean Time allowed to keep a Tavern, provided he give Bond according to Law, to one or more Justices of the Peace for the County aforesaid, the time by Law being elapsed, or any other Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of *Robert Wilson*, entred the 22d. of *February* last, Read and accepted, and

Voted, That there be accordingly allowed to the Petitioner, the Sum of *Fifteen Pounds*, to be put into the Hands of Mr. *Thomas Cushing*, and by him to be delivered the Petitioner as his Necessities call for it.

Sent up for Concurrence.

A Petition of *Joseph Gardner* of *Glocester* in the County of *Essex*, Potter, praying, That the Court would confirm to him that part of the Real Estate of *Osman Dutch* heretofore of said Town, deceased, which the Petitioner is in possession of, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the Heirs or legal Representatives of the said Deceased with a Copy of this Petition, that so they may shew Cause, (if any they have) on the second *Wednesday* of the next *May* Session, why the Prayer thereof may not be granted. And that all Process in the Law relating to the Premises be stay'd in the mean time.

Sent up for Concurrence.

Voted, That Maj. *Chandler* and Mr. *Bancroft* be excused for their Absence.

An Accompt of *John French*, Collector of the Town of *Attleborough*, for sundrys done by Order of the Court, amounting to *Five Pounds Sixteen Shillings and five pence*.

Read and committed to the Committee for Petitions.

A Bill intituled, *An Act to prevent false Musters*. Read a first Time.

The Bill entitled, *An Act for Repealing an Act, entitled, An Act to enable Guardians to joyn in the Partition of Lands or other Real Estate, wherein Minors are concerned, and for making other Provision therefor.*

Read a third Time, and pass'd to be Ingross'd.

Sent up. [47]

Mr. Lynde from the Committee for Petitions, Reported on the Petition of *Vincent Shickleworth*, entred the 25th. of *February* last. Read, accepted, and

Voted, That accordingly there be allowed to the Petitioner, the Sum of *Five Pounds*, to be paid into the Hands of Capt. *Robert Blake*, and by him to be paid the Petitioner.

Sent up for Concurrence.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Voted, That the Members that have been absent this Week hitherto, be excused.

The Bill intituled, *An Act in further addition to the Act encouraging the killing of Wolves, made in the fifth Year of the Reign of King William and Queen Mary.*

Read a third Time, and pass'd to be Ingross'd:

Sent up for Concurrence.

A Petition of some of the Inhabitants of the *Northerly* part of the Town of *Marshfield*, together with most of the Inhabitants of that part of *Scituate*, commonly called, *The two Miles*; praying, That they may be incorporated and form'd into a Town or Precinct, agreeable to the Bounds set forth in their Petition, also that a Committee may be sent to them for that purpose, for Reasons mentioned. Read, and

Ordered, That the Petitioners serve the Towns of *Marshfield* and *Scituate* with a Copy of the Petition, that so they may shew Cause, (if any they have) on the second *Thursday* of the next *May* Session, why the Prayer thereof may not be granted.

Sent up for Concurrence.

Agreeable to the Order of the Day, the Committee appointed to consider of His Excellency's Support, brought in the Bill for that purpose, and the same, as by them amended, and taken into a new Draught, Read, and after a considerable Debate, the Question was put, *Whether the Bill for His Excellency's Support as first Draughted, should pass to be Ingross'd?* And it pass'd in the Negative. Then the Question was put, *Whether the said Bill as taken into the new Draught, should pass to be Ingross'd?* And it pass'd in the Affirmative. And

Sent up for Concurrence.

A Petition of some of the Inhabitants of the second Precinct in *Woburn* called *Shawshin*, praying, That they may be annexed to the old *Parish* again, that they may sit under their former Ministry, for Reasons mentioned.

Read, and the Question put, *Whether the Prayer of the Petition be granted?* It pass'd in the Negative.

Then the House Adjourned till to Morrow Morning Ten o'Clock.

BOSTON: Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1730. [49]

VOTES

Of the House of Representatives.

Jobis Die 4. Martij, A. D. 1730.

VOted, That Capt. *Freeman* have leave to go Home for the Recovery of his Health, to return so soon as that will admit of it.

——That Maj. *Gerrish* have leave to visit his family.

Upon a Motion made that the House would re-consider their Vote of the 26th. of *February* last, on the Petition of *Joseph Allen's* Administratrix and others, the Question was put, and it pass'd in the Affirmative.

Agreeable to the Order of Yesterday, Mr. Secretary came into the House and informed them, That the Accompts of the several Payments mentioned in the Report of a Committee of the House appointed the 23d. of *February* last, were with the Treasurer.

Voted, That Mr. *Cushing*, Maj. *Brattle* and Mr. *Lewis*, be a Committee to inspect the said Accompts, and make Report.

The Bill for His Excellency's Support, sent up by Mr. *Hill*, Mr. *Lynde*, Maj. *Brattle*, Mr. *Wolcot*, Mr. *Robinson* and Mr. *Fellows*.

Mr. *Lynde* from the Committee for Petitions reported on the Accompt of *John French*, entred Yesterday. Read, accepted, and

Voted, That accordingly the Sum of *Five Pounds Two Shillings and five pence*, be allowed the Accomptant in full Discharge of the said Accompt.

Sent up for Concurrence.

A Petition of *Benjamin Allen*, late of *Bridgwater*, Clerk, praying the Court would enlarge a Grant of Land by them formerly made to him, for Reasons mentioned. Read, and

Ordered, That the prayer of the Petition be granted, and that the Petitioner have leave, by a Surveyor and Chainmen under Oath, to lay out, (in addition to what was formerly granted him by this Court) Two Hundred Acres of Land in some of the unappropriated Lands within this Province, (so as to make up the whole Four Hundred Acres) a Plan thereof to be presented to the Court within Twelve Months for Confirmation.

Sent up for Concurrence.

A Plan of a Tract of Land granted in the Year 1679, to *William Perkins*, lying *Westerly* from some part of *Lancaster* new Grant, and *Southerly* from some part of *Lunenburg*, of the Contents of one Hundred Acres, presented by *Zechariah Fitch*, Guardian of *James Kebbey*, a *Non Compos* Person. Read and accepted, and

Ordered, That the Land therein delineated and described, be, and hereby is confirmed unto the legal Representatives or Assigns of the before-named *William Perkins*, their Heirs and Assigns forever. Provided the same do not exceed the Quantity of One Hundred Acres, nor interfere with any other or former Grant.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The House proceeded to the Consideration of the Petition of the Widow and Children of *Joseph Allen*, and

Ordered, That the prayer of the Petition be granted, and that the Petitioners qualified as mentioned in the Petition, be, and hereby are impowered to make Sale of all the Real Estate of the within-named *Joseph Allen*, for the Payment of his just Debts; the Petitioners to post up Notifications Thirty Days before the Sale thereof, as the Law which impowers the Superior Court to Sell Lands for the Payment of Debts, directs. The Overplus to be accounted for with the Judge of Probate for the County of *Middlesex*; and *Abigail Allen* the Widow and Administratrix of the said Deceased's Estate, to give Bond with Sureties to the Judge of Probate, in case she receives one third part of the neat Produce of the said Estate, that her Executors or Administrators respectively upon her Decease, shall refund and pay back what she shall receive for and in lieu of her Dower in the said Estate, to the next and right Heirs of the Intestate; any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

The Bill intituled, *An Act for dividing the Town of Taunton, and erecting a new Town there, by the Name of* ——— Read a second Time, together with a Petition of *John King*, and his Son *Philip King*, praying they may be excepted out of said new Town, for Reasons mentioned.

John Chandler Esq; brought down from the Honourable Board, the Report of a Committee of both Houses, appointed to demand possession of the Land lying on *Bridgewater Six Mile Line*, Pass'd in Council, *viz.* In Council, *March 4. 1730.* Read, and *Ordered*, That this Report be accepted.

Sent down for Concurrence. With a Message desiring the House to pass upon the Plan return'd, to satisfy part of the late Grant of Land to His Excellency. The said Report was Read, and the Vote of the [51] Board thereon, concurred by the House. And then the Plat referred to in the Message above, Read again.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 5. Martij, A. D. 1730.

THe Petition of *Thomas Hunt* and others, in behalf of themselves and their Associates, the Soldiers that served in the *Narraganset* War, entered the 16th. of *February* last. Pass'd in Council, viz. In Council, *Feb. 17. 1730.* Read, and Non-concurred, and

Ordered, That there be Liberty given to all Persons concerned, to bring in their Claims to the Lands granted to the Officers and Soldiers in the *Narraganset* War, unto the Committee formerly appointed by this Court for that Service, until the first *Wednesday* in *June* next, and that the Lands already granted by this Court to the said Officers and Soldiers, and their legal Representatives, under certain Conditions and Restrictions, be, and hereby are absolutely given and granted to such Persons whose Claims are or shall be allowed by this Court, and to their Heirs and Assigns forever; any former Order of this Court referring to the said Grant notwithstanding. Sent down for Concurrence. Read and Non-concurred. And the House adhere to their own Vote.

Sent up for Concurrence.

A Petition of *John Magoun* and three other Persons, some of the Inhabitants of the Town of *Scituate*, living on the *Southerly* Side of the *North* River on the Lands called, *The two Miles*; praying, That they may be set off either agreeable to a Petition by them formerly exhibited, or as a Township or Precinct, together with the *Westerly* part of the Town of *Marshfield*, agreeable to the Bounds mentioned in their Petition.

Read and sent up.

Mr. Secretary came down with a Message from His Excellency, desiring that the Plat of Land between *Braintree* and *Bridgewater*, lately taken by *Samuel Thaxter* Esq; may be sent up, which was sent by Col. *Church*.

Mr. *Welles* from the Committee to whom was referred the Consideration of the several Petitions for Lands, Reported, Read, and the Question put, *Whether the Report be accepted?* And it pass'd in the Negative.

Mr. Secretary brought down the Plan of the Land between *Braintree* and *Bridgewater* with a Desire of His Excellency therein indorsed, that he may have the same confirm'd to him for Three Hundred Acres, in part of his Grant of Eight Hundred Acres. Said Plan Read again, and

Ordered, That the said Land therein delineated and described, be, and hereby is confirmed to His Excellency *Jonathan Belcher* Esq; his Heirs and Assigns forever, for Three Hundred Acres, in part to fulfil the Grant of Eight Hundred Acres lately made to him by this Court. Provided the [52] same do not exceed the Quantity mentioned in the Plan, nor interfere with any other or former Grant.

Sent up for Concurrence.

Ordered, That Mr. *Welles*, Maj. *Chandler*, Maj. *Gerrish*, Mr. *Choat*, Mr. *Lemmon*, Mr. *Chandler*, Mr. *Pyncheon*, Capt. *Alden*, Mr. *Bourn*, Col. *Church*, Mr. *Hill*, Capt. *Goddard* and Mr. *Hobson*, be a Committee to take under Consideration the several Petitions for Land for Townships, and Report what may be proper for the Court to do, in order to Settle the vacant Lands of this Province.

Mr. *Cushing* from the Committee to inspect the several Accompts on which the late Draughts on the Treasury were made, Reported. Read, and

Ordered, That Mr. *Lewis*, Maj. *Brattle* and Mr. *Hall*, be a Committee to take the said Accounts under Consideration, and Report so soon as may be, what may be proper to be done thereon.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Capt. *Brentnal* have leave to go Home to visit his Family, to return so soon as he can.

John Chandler Esq; came down with a Message from the Honourable Board, desiring to speak with Capt. *Rolfe*, who having the leave of the House, went up accordingly.

Mr. *Welles* from the Committee appointed the 13th. of *February* last, to inquire into and consider the Circumstances of the Land between *Brookfield* and *Northward* of *Brimfield*, and adjoining upon the Lands called, *The equivalent Lands*, in the County of *Hampshire*, Reported. Read, and the Question put, *Whether the Report should be accepted?* And it pass'd in the Negative.

And after a considerable Debate had, relating to those Lands,

Ordered, That Mr. *Shove* be, and hereby is fully Authorized and Impowered for and in behalf of this Province, to bring forward a Writ or Writs of Ejectment against any Person or Persons in possession of the before-mentioned Lands, that derive their Title any otherways than from the General Court of this Province. Sent up for Concurrence.

An Ingross'd Bill entitled, *An Act for Repealing an Act*, entitled, *An Act to enable Guardians to joyn in the Partition of Lands or other Real Estate, wherein Minors are concerned, and for making other Provision therefor*; brought down by Mr. Secretary. Read, and pass'd to be Ingross'd.

Sent up for Concurrence.

The Letter from the Governour of *New-York* to His Excellency, referring to the Boundary Line between this Government and that of *New-York*, as also the Copy of the Petition of *James Bluker* and others, to the Governour of *New-York*, referring to said Line, with the Resolution thereon, and that part of His Excellency's Speech of the 16th. of *December* last. Read again, and [53]

Ordered, That Mr. *Welles* go up with a Message to His Excellency, to desire that he would inform the House, whether he hath received any thing from *New-York* relating to the Affair before-mentioned, since the Letter he communicated to the House.

Who return'd he had deliver'd the Message.

The Bill intituled, *An Act in further addition to an Act for the Settlement and Support of Ministers and School-masters*. Read a second time, and committed to the Committee for Laws, to make some proper Amendments thereon, and *Ordered*, That Mr. *Jacob* be joyn'd in that Affair.

The Bill intituled, *An Act to prevent false Musters*. Read a second Time.

A Petition of *Joseph Stevens, Joshua Fletcher, Andrew Spaulding, Timothy Heald* and *Jonathan Melvin*, a Committee to regulate the Settlement of the *North Town*, so called, in the County of *Middlesex*, praying, for Reasons therein mentioned, That the Court would Order and Direct, that all the Proprietors of said *North-Town*, pay towards the Support of the Ministry and other Town Charges, in proportion to their respective Proprieties, and that the said Committee or such as the Court shall appoint, may be directed and empowered to Collect and Receive the same, as also the Sum of *Forty Pounds* yet unpaid, of those Proprietors who have been Assessed for the same.

Read, and in Answer thereto,

Ordered, That Messieurs *Joseph Stevens, Joshua Fletcher, Andrew Spaulding, Timothy Heald* and *Jonathan Melvin*, the Committee before-named, be, and hereby are fully Authorized and Impowered to Levy or Assess the necessary Charges arising in bringing forward the Settlement of the withinmentioned *North-Town*, as also in the Building an House for the publick Worship, and in settling and supporting a Minister there, on the Proprietors of the Land in said *North-Town*, proportionably to their respective Proprieties, such Sums as shall be Voted by the Inhabitants of that Place, and that Mr. *Joseph Baldwin*, an Inhabitant thereof, be Authorized and Impowered to collect such Sums as shall be Assessed, together with the several Sums already Levied, which sundry Proprietors have hitherto neglected to pay, and deliver the same to the aforesaid Committee, for the Ends and Uses aforesaid, until this Court shall Order otherwise.

Sent up for Concurrence.

A Petition of *Thomas Eaton, Thomas Poole* and *Joseph Eaton*, a Committee for and in behalf of the old or Southerly Precinct or Parish in *Reading*, praying, That what by a Mistake was taken off from them by the new Town lately erected by the Name of *Wilmington*, may be restored to them, and inasmuch as the Land taken off from the Town of *Reading*, belonging to said Parish on the South Side of *Ipswich* River, on which are two Families, and on the East Side of *Andover* Road from *Jenkins's* Bridge to *Woburn* Line is

generally Meadow-Land, and capable of being Taxed considerably towards defreying Town and Precinct Charges, and is wholly or the greatest part by far belonging to Persons living in the said old Parish, that said Lands and Meadows taken off as aforesaid, may also be restored to said Town and Southerly Precinct again, and in case their Petition is not [54] granted, that they may have a Committee of the Court to view the Circumstances of what they pray for. Read, and

Ordered, That the Petitioners serve the Town of *Wilmington* with a Copy of the Petition, that so they may shew Cause, (if any they have) on the second *Tuesday* of the next *May* Session, why the prayer thereof may not be granted.

Sent up for Concurrence.

Voted, That Mr. *Washburn* have leave to be absent till *Tuesday* next.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati Die 6. Martij, A. D. 1730.

THe Bill intituled, *An Act for dividing the Town of Taunton, and erecting a new Town there, by the Name of* ———— Read a third Time, together with a Petition of *John* and *Philip King*, praying to be exempted, as entred the 4th. Instant, and a Replication of *Ebenezer Robinson* to the said Petition, and after a considerable Debate, the said Bill pass'd to be Ingross'd with an Amendment.

Sent up for Concurrence.

Mr. *Lynde* from the Committee for Petitions, reported on the Petition of *Samuel Porrige* and others, entred the 2d. Instant. Read and accepted, and in Answer to the Petition,

Ordered, That Mr. *Shove* and Mr. *Bisby*, be a Committee to examine the Accompts of *Daniel Parker* Esq; deceased, and what is due from the Proprietors of *Oyster-Island* to the Estate of the said Deceased, and they are also to inquire what said *Parker* and his Heirs have received by the Use and Improvement of said Island for several Years past, and adjust the same. And whereas the Heirs of the said Deceased, have cut and carried off Fencing Stuff, Wood, &c. from the said Island, the said Committee are directed strictly to forbid them making any further Strip or Waste; and to demand possession of said Island, and in case of Refusal, that they prosecute in the Law such as withhold the Possession, and on the Recovery in behalf of the Indian Proprietors, that they deliver the same to them. But in case the Committee shall judge there ought to be a greater Allowance made said *Parker* than what he or his Heirs have already received, that the Committee do then in behalf of the Indians within-named, Lease out the whole of the said Island to such Person as will give the most for it, for such Term as the said Committee shall

judge will be sufficient to discharge what is due; the Rent to be applied for the payment of the Debts within-mentioned, and what Charges may ensue on this Account, the Remainder for the Use of the said Indians; and the Committee to make Report, and be accountable to this Court for the whole of their proceedings in this Affair.

Sent up for Concurrence.

Mr. *Welles* from the Committee for Lands, Reported, Read, and the Question put, *Whether the Report be accepted?* And it pass'd in the Negative. [55]

A Petition of the Town of *Marblehead*, praying for Relief under their distressing Circumstances. Read, and

Ordered, That the Sum of *Three Hundred Pounds* be allowed and paid out of the publick Treasury to the Overseers of the Poor of the said Town, to be by them disposed of to such Persons and Families as they may judge fit Objects of Relief.

Sent up for Concurrence.

Ordered, That Mr. *Cushing* and Mr. *Wright* be added to the Committee to take under Consideration the Draughts lately made on the Treasury, not agreeable to the Act made for the Supply thereof. The said Committee to Report so soon as may be.

Ordered, That Mr. *Cooke*, Mr. *Almy*, Mr. *Welles*, Maj. *Chandler* and Capt. *Alden*, be a Committee to make such Establishments as shall be thought necessary, in order to prepare a Bill for the Supply of the Treasury.

Jonathan Dowse Esq; brought down from the Honourable Board, the Petition of *Peter Nowel*.

Thomas Fitch Esq; brought down a Bill, intituled, *An Act to Repeal an Act to exempt Persons commonly called, Anabaptists, and those called, Quakers, within this Province, from being Taxed for and towards the Support of Ministers, as also to Repeal one other Act made in addition to the said Act, and for making Provision instead thereof.*

The Memorial of *John Larrabee*, Lieutenant of His Majesty's Castle *William*, praying as entred the 11th. of *February* last. Read again.

John Alford Esq; brought down from the Honourable Board, the Memorial of *Henry Rolfe* Esq; and others.

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of the Settlers of the lower Township of *Housatunnock*, praying as entred the 3d. Instant. Read and accepted, and

Ordered, That the Petitioner Mr. *John Huggins*, be, and hereby is impowered to Summon and give Notice to the Inhabitants and Proprietors of said Township, to meet together at some convenient Place there, who are hereby impowered to raise by a Tax such Sum and Sums as they shall judge necessary for defreying the Charges of the ensuing Year, also to chuse a Clerk,

Treasurer, Assessors and Collectors, for the Levying and Collecting the Tax aforesaid, (of which Meeting the said *John Huggins* to be the Moderator) and the Clerk so chosen being first Sworn before one of His Majesty's Justices of the Peace of the County of *Hampshire*, is hereby impowered to administer the proper Oath to the Assessors and Collector, and that the Collector so chosen, is also impowered to execute the Office of a Constable, and the said Assessors are Ordered and Directed to Assess and Levy such Sum and Sums as shall be agreed on to be raised, in equal proportion on all the Grantees of said Township, as well on those that do not reside there, as those who do, and the said Constable or Collector is fully enabled to collect the same. [56]

And the Committee for settling the said Township, are hereby Directed and Ordered, without fail to lay the whole of their Accounts and Proceedings in the Settlement of the said Town, before this Court at the beginning of the next *May* Session, in order to discharge the Proprietors from being under the said Committee, and investing them with the Powers, Priviledges and Immunities that other Towns within this Province do enjoy.

Sent up for Concurrence.

Voted, That Mr. *Fisk* have leave to be absent till next *Wednesday*.

Then the House Adjourned till *Monday* next, Four a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Luna Die 8. Martij, A. D. 1730.

V*Oted*, That Mr. *Hedge* have leave to be absent the remainder of this Session.

—— That Mr. *Wellington* be excused for his Absence.

Mr Secretary brought down an Ingross'd Bill intituled, *An Act in further addition to the Act incouraging the killing of Wolves, made in the fifth Year of the Reign of King William and Queen Mary.*

Whereas this House think it adviseable, that a Tract of Land situate near the Reer of the House and Land belonging to the Province, where His Excellency the Governour now dwells, with the Stables and Buildings thereon, be purchased at the Charge and for the Use of the Province, to accommodate the Governour for his Coach, Chariot, Horses and Furniture, the purchase consideration whereof will amount to *Seven Hundred and fifty Pounds.*

Voted, That a Bill be prepared for an Emission of that Sum in Province Bills to be issued out of the publick Treasury, to enable a Committee to purchase the aforesaid Tract of Land and Builings, and that the Land when purchased shall be a Fund and Security for the Bills so emitted, for and during the space of Ten Years next coming, and that at the Expiration of that Term, the aforesaid Sum of *Seven Hundred and fifty Pounds* be paid in by a Tax on Poles and Estates, or the Land and Buildings further continued as a Fund and Security for calling in the Bills as the Court shall then Order. And that the Deed of the before-mentioned Land and Buildings, be made to the Treasurer of the Province, the Treasurer of the County of *Suffolk*, and the Treasurer of the Town of *Boston*, and their Successors, as Trustees for and in behalf of this Province.

Sent up for Concurrence.

The Petition of *Peter Nowel*, entred the 19th. of *February* last, Pass'd in Council, viz. In Council, *March* 6. 1730. Read again, together with the Answer of *Francis Littlefield*, and the same being fully considered, [58]

Ordered, That this Petition be dismiss'd. Sent down for Concurrence.
Read and Non-concurred. And

Ordered, That the prayer of the Petition be so far granted, as that the Petitioner have liberty to file his Reasons of Appeal, in the Case mentioned in the Petition, in the Clerk's Office of the Inferior Court of Common Pleas within the County of *York*, Fourteen Days before the sitting of the next Superior Court of Judicature, to be holden within and for the said County, and the Justices of the said Superior Court are hereby impowered and directed

to Hear and Try the said Case, enter up Judgment, and award Execution accordingly, and that Execution be stayed in the mean time.

Sent up for Concurrence.

A Petition of *John Tyng*, only Son and Heir of Maj. *William Tyng*, late of *Chelmsford*, deceased, praying for a Tract of Land in some of the unappropriated Lands within this Province, for Reasons mentioned.

Read.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Martis Die 9. Martij, A. D. 1730.

VOted, That Mr. *Choat* be excused for his Absence.

An Ingross'd Bill intituled, *An Act in further addition to the Act encouraging the Killing of Wolves, made in the fifth Year of the Reign of King William and Queen Mary.* Read, and pass'd to be Enacted.

The Bill intituled, *An Act to Repeal an Act to exempt Persons commonly called Anabaptists, and those called Quakers, within this Province, from being Taxed for and towards the Support of Ministers, as also to Repeal one other Act made in addition to the said Act, and for making Provision instead thereof.* Pass'd in Council, viz. In Council, March 5. 1730. Read. 6th. Read a second Time, and pass'd to be Ingross'd.

Sent down for Concurrence.

Read a first Time.

A Memorial of *Andrew Robinson*, praying the Consideration of the Court, and such an Allowance for his Services therein mentioned, as they should think fit. Read, and in Answer thereto,

Ordered, That the Petitioner have leave by a Surveyor and Chainmen on Oath, to lay out Three Hundred Acres of some of the unappropriated Lands within this Province, a Plan thereof to be presented to this Court within Twelve Months for Confirmation.

Sent up for Concurrence.

An Ingross'd Bill intituled, *An Act for dividing the Town of Taunton, and erecting a new Town there, by the Name of Raynham.* Read, and pass'd to be Enacted.

The Petition of Mr. *John Tyng*, praying as entred Yesterday. Read again, and in Answer thereto, [59]

Ordered, That the Petitioner have leave, in behalf of himself and the rest of the Heirs of Maj. *William Tyng* within-named, by a Surveyor and Chainmen on Oath, to lay out Three Hundred Acres in some of the unappropriated Lands within this Province, a Plan thereof to be presented to this Court within Twelve Months for Confirmation.

Sent up for Concurrence.

Ordered, That Maj. *Chandler* go up with a Message to the Honourable Board, to know whether they have pass'd on the Bill for His Excellency's Support. Who return'd he had deliver'd the Message, and was inform'd that the same was Non-concurred by the Board.

Mr. Secretary came down from His Excellency to acquaint the House, (agreeable to a Message of theirs) that he had received nothing relating to the Affair of *Housatunnock*, since the Letter he communicated to the House, as also the following Message from His Excellency, *viz.*

Gentlemen of the House of Representatives,

THE Lieutenant Governour, with the rest of the Gentlemen whom I sent upon a Survey of the Fortifications of the Province, have made their Report, and laid before me the several Plans thereof, which I have Ordered the Secretary to deliver you.

I was glad to find, when I mentioned this Affair to you on my first Arrival, that you were so Thankful for His Majesty's Care and Concern for you in a matter so necessary to your own Security, as well as the King's Honour; and that you assured me you would readily and gladly come into the needful Charge of so good a Work. As the Year advances quick upon us, no time should be lost in the procuring Workmen and Materials, and I must more especially recommend to you the speedy Care of Castle William, which if delay'd will soon bring on a much heavier Charge. And while I am on this Head, I would remind you, That the Establishment of that Garrison expires in a few Weeks, and I hope you will think it absolutely necessary to enlarge both the Pay and the Number of Men, since all the Necessaries of Life are so extravagantly risen in Price, it cannot seem reasonable or just to make the Men's Wages no better than when Things were more cheap and easy; besides the want of a reasonable Pay brings such Men into the Service as are more fit to be kept in an Hospital, and the Number is so small, that the Works really suffer for want of sufficient Help; considering therefore the Largeness of the Works, the Number of the Guns, and the Importance of that Fortress, it ought never to be left with less than Sixty effective Men. These things I have communicated to His Majesty's Council, who I am sure will chearfully concur with you in what may best of all promote the Safety and Welfare of this Province.

J. BELCHER.

March 9th. 1730.

Read.

The Report of the Gentlemen, the Survey and Plans referred to in His Excellency's Message, were laid by Mr. Secretary on Mr. Speaker's Table. [60]

The Petition of *Samuel Blackwell* and others, dissatisfied Members of the Church of *Sandwich*, praying as entred the 2d. of *January* last. Read again, and the Question put, *Whether the Prayer of the Petition be granted?* And it pass'd in the Negative.

A Petition of *Ruth Royce* of *Boston*, Widow, praying, That the Sum of *Eight Pounds Eleven Shillings and five Pence*, may be paid her on the Accompt therein mentioned.

Read and committed to the Committee for Petitions.

His Excellency's Message Read again.

Ordered, That *Mr. Welles*, *Mr. Wright*, *Mr. Hall*, *Mr. Jacob*, *Mr. Fellows* and *Mr. Longley*, wait upon His Excellency the Governour with the following Message, *viz.*

WHereas we have a constant Dependance upon the Divine Protection and Blessing, and forasmuch as the usual Time of the Year is near approaching for observing a Day of Fasting and Prayer, this House would therefore humbly move that His Excellency as soon as may be most convenient, would issue a Proclamation for a Day of solemn Humiliation to implore the divine Favour in the advancing Year.

Who returned they had delivered the Message.

Voted, That the Reverend *Mr. Nehemiah Walter* of *Roxbury*, be desired to Preach the Sermon at the Election in *May* next. And that *Mr. Ward* and *Mr. Bird* be desired to acquaint *Mr. Walter* therewith.

Mr. Lewis from the Committee appointed the 6th. Instant, to take under Consideration the several Draughts lately made on the Treasury, not agreeable to the Act made for the Supply thereof, Reported, Read and accepted, and thereupon,

Ordered, That the following Message be sent up to the Honourable Board, *viz.*

THE House of Representatives under a just Concern for the Good and Welfare of the Inhabitants of this Province, as well as His Majesty's Honour and Interest, have always readily come into the imposing and levying proportionable and reasonable Rates and Taxes, and from time to time have chearfully supplied the publick Treasury with such Sums of Money as were sufficient for the necessary Defence and Support of the Government and Preservation of the Inhabitants. Thus in *September*, 1729. they came into an Emission of *Twenty Thousand Pounds, Nineteen Thousand five Hundred* whereof, was to be applied for paying all Grants, Premiums and Stipends established by Law, for paying the Charge of *Castle William*, &c. and all other Accompts of Charge allowed and pass'd on for Payment by this Court,

and the *Five Hundred Pounds* the Residue, to be applied for the Payment of Expresses dispatched in the Service of this Government in the Recess of the Court, together with all other necessary and unforeseen Charges that demand prompt Payment, provided the several Draughts express out of what Sum the same is to be paid. And the last Assembly at *Cambridge* came [61] into a Bill for an Emission of *Thirteen Thousand Pounds*, which was concurred by the Honourable Board, and consented to by His Excellency. In which was Enacted in these Words, *That the Sum of Twelve Thousand Pounds, part thereof, shall be issued out and disposed of by Warrant under the Hand of His Excellency the Governour, with the Advice and Consent of the Council, according to such Orders and Laws as are in force, and to discharge the several Grants of Money made or to be made by the Court in this Session, and for no other Use, Intent or Purpose whatsoever, and the remaining One Thousand Pounds shall be applied for the Payment of Expresses, and all other necessary and unforeseen Charges.*

Now although it be impossible to conceive any thing in the foregoing Resolve or Act to be extended or designed to prevent or hinder the Governour by his Warrant, with the Advice and Consent of the Council, from issuing such Money, yet the Words themselves, in their plain, natural and genuine Construction necessarily import, *That none of that Money could be drawn out of the Treasury, but according to what is there prescribed:* Yet to our very great Surprise, upon Examining the Treasurer's Accompts, we find the Honourable Board have consented and advised to make many Draughts on the Treasurer altogether inconsistent with said Resolve and Act of Court, some of them being for Accompts not established by Law, others not pass'd on by the whole Court, nor for Dispatches in the Recess of the Court, which demanded prompt Payment, and for others there was no Grant of that Session, nor any Order or Law in force to warrant the payment thereof.

Now if the Honourable Board apprehend they may *ad Libitum*, violate the most solemn Acts of the whole Court, and dispose of the People's Money contrary thereto, yet the House cannot but judge and declare such Proceedings very Gravaminous, Unjustifiable, and may prove of fatal Consequence to His Majesty's good Subjects here.

The House therefore think it their Duty to declare, That as it is more peculiarly their Province to raise Taxes on the People, so 'tis incumbent on them to take Care that there be no Misapplication thereof. — That at least when the Court is sitting, they ought to be acquainted with what Accompts and Demands are made on the Province before Payment be made. — That when any Accompt is for good Reason disallowed by the House, it seems very extraordinary that the Honourable Board should advise to the Payment thereof, as has been done of late. And for them to deny Payment

of any Accompt, for no other Reason, but because it was allowed by the House, seems to be more strange and unaccountable.

The Petition of *Samuel Porrige*, entred the 6th. Instant, pass'd in Council, *viz.* In Council, *March 8. 1730.* Read and Concurred with the Amendment. Sent down for Concurrence. Read and Non-concurred. And the House adhere to their own Vote.

Sent up for Concurrence. [62]

The Instructions of His Excellency to his Honour the Lieutenant Governor, and the Gentlemen that went *Eastward*, together with their Report. Read.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That the Members that have been Absent this Week hitherto be excused.

A Petition of *Thomas Church* and *Charles Church* Esqrs. in behalf of themselves and the Heirs of *Benjamin Church* Esq; heretofore of *Little Compton*, deceased, praying, That the Court, for Reasons therein mentioned, would grant them a Tract of Land in some of the unappropriated Lands within this Province. Read, and in answer thereto,

Ordered, That the Petitioners have Liberty, for and in behalf of themselves and the rest of the Heirs and legal Representatives of the before-named Deceased, to lay out, by a Surveyor and Chainmen on Oath, Three Hundred Acres of some of the unappropriated Lands within this Province, a Plan thereof to be returned to this Court within Twelve Months for Confirmation. Sent up for Concurrence.

A Petition of *Joseph Vickery* of *Hull*, praying, That he may have a Licence to Sell strong Drink by Retail, for Reasons mentioned. Read, and in Answer thereto,

Ordered, That the Petitioner have leave to Sell strong Drink by Retail, he Recognizing before one or more of His Majesty's Justices of the Peace within the County of *Suffolk*, as the Law directs; any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

The Bill intituled, *An Act to prevent false Musters.* Read a third Time, and pass'd to be Ingross'd.

Sent up.

Upon a Motion made and seconded, and after some considerable Debate, the Question was put, *Whether the House would chuse a Committee to be joyn'd with such as the Honourable Board shall appoint, to consider what may be proper*

to be done by this Court for the Support of His Excellency the Governour? And it pass'd in the Negative.

Also, *Whether they would make any Grant for the Support of His Excellency for any limited Time?* And it pass'd in the Negative.

Whereas sundry Disputes and Differences have of late risen between some of the Inhabitants of this Province and the Province of *New-York*, respecting the Boundary between this Province and that, near *Housatunnock* or *Westenhook* so called, the Settlement whereof is necessary.

Ordered, That the Honourable *Elisha Cooke* Esq; *John Stoddard* Esq; and Mr. *Samuel Welles*, with such as shall be joyn'd by the Honourable Board, be, and hereby are appointed Commissioners on the behalf of this Govern-[63]ment, to meet Commissioners from the Government of *New-York*, for compromising the said Affair, and with them to agree upon and finally to settle the said Boundary or Dividing Line. And their Conclusions and Agreements Signed, Sealed and Perfected with the said Commissioners of the Province of *New-York*, shall be forever deemed and held good and valid by this Government, provided the like Power is given by the Province of *New-York* to their Commissioners. And that all Processes in the Law, against any Person or Persons that border on the said Line, for Rates or Taxes to either Government, be suspended in the mean time. Provided that the Government of *New-York* give the like Order on their part. Report to be made of the Proceedings herein to this Court.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurij Die 10. Martij, A. D. 1730.

V*Oted*, That Mr. *Hill* have leave to be Absent the remainder of this Session. — That the Members that have been Absent this Week hitherto be excused.

Voted, That the Reverend Mr. *Fisk* of *Salem*, be desired to Preach before the General Assembly at the General Election in *May* next, (the Reverend Mr. *Walter* refusing to perform that Service) and that Mr. *Lynde* and Mr. *Wolcot* be desired to acquaint him herewith.

A Bill intituled, *An Act for the encouraging the raising of Hemp within this Province.*

Read a first Time.

A Bill intituled, *An Act for reviving and further continuing several Acts that are expired or near expiring.*

Read a first Time.

The Bill intituled, *An Act to Repeal an Act intituled, An Act to exempt Persons*

commonly called Anabaptists, and those called Quakers, within this Province, from being Taxed for and towards the Support of Ministers, as also to Repeal one other Act made in addition to the said Act, and for making Provision instead thereof.

Read a second Time.

The Memorial of *Henry Rolfe* Esq; &c. praying as entred the 19th. of *February* last. Pass'd in Council, viz. In Council, *March 6. 1730.* Read and Non-concurred. And

Ordered, That this Petition be referred to the Sessions of this Court in *May* next, and that in the mean Time the said *Henry Rolfe* give sufficient warning by Notifications at *Pennicook*, and elsewhere, to the Inhabitants and Grantees of the said Tract of Land, to Assemble at their Meeting-House on the last *Monday*, being the 29th. of this Instant *March*, by Ten of the Clock in the Forenoon, then and there to chuse a Clerk to enter all their Votes. [64] Elections, Orders and Rules by the Inhabitants made, to chuse Assessors and Collectors of all such Ministeral Rates and Taxes granted and agreed on by the Settlers and Grantees, and any other Rates and Taxes that may be thought necessary for the well-being of that Plantation, who are empowered hereby thereunto. All the Rates and Taxes to be Levyed equally on all the Lots, except the Ministers Ministry and School-Lots, to chuse a Constable, Fence-Viewers and Hogreeves, all to be Sworn to their respective Offices by the said *Henry Rolfe*, hereby appointed Moderator of the said Meeting.

That the said *Henry Rolfe* take an exact Account of what is done on each Lot, in Building, Fencing & Improving, and lay the same before this Court in their next *May* Session.

That the Committee for the settlement of this Plantation, be fully empowered to grant a-new any Lots the Grantees whereof have not complied with the Terms of their Grants, and the Orders of this Court, to such other Persons as shall speedily and effectually fulfil the Conditions of their respective Grants. And that the said *Henry Rolfe* do Notify all the Settlers and Grantees of this Order for empowering the Committee, and that the said Plantation be, and hereby is declared to lie in the County of *Essex*.

Sent down for Concurrence.

Read and Concurred with the Amendments.

Sent up for Concurrence.

A Memorial of *Robert Rand*, eldest Son of *Sarah Watts*, deceased, and next of Kin, by the Mother's side, to his Uncle *Thomas Goffe* Esq; deceased, who was appointed the first Deputy Governour of the *Massachusetts-Bay*, praying for a Grant of a quantity of the wast Lands within the Province, for Reasons mentioned.

Read.

Voted, That Mr. *Bourn* have leave to visit his Family, to return so soon as he can.

A Memorial of *Thomas Gilbert* of *Brookfield*, praying, That an Allowance may be made to himself and the Persons thereto Subscribed, for Reasons mentioned. Read, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative.

An Accompt of *John Wood*, for sundry Services by him done for the Province, amounting to *Forty Pounds*.

Read and committed to the Committee for Petitions.

Spencer Phipps Esq; brought down from the Honourable Board, the Petition of *Edward Winslow* Esq;

Mr. Secretary brought down from his Excellency the following Instruction, viz.

Massachusetts-Bay, 30th. Instruction.

WHereas an unwarrantable Practice hath of late Years been introduced into the Proceedings of the Assembly of our Province of the *Massachusetts-Bay*, of raising Money and supplying the current Service of the Year by a Vote or Resolve instead of an Act of Assembly, and of reserving thereby to the [65] said Assembly a Power of determining what Accompts shall or shall not be paid, even after Service performed, expresly contrary to the Tenor of the Charter granted to this Province by our Royal Predecessors King William and Queen Mary, whereby they are impowered to raise Moneys for the Support of our Government, and for the Defence of the Inhabitants, by Act or Acts of Assembly only, and the issuing of the said Money when raised, is expresly reserved to our Governour for the time being, with the Advice and Consent of our Council of the said Province; Now our Will and Pleasure is, and we do hereby require you to take Care for the future, that no Money be raised, or Bills of Credit issued in that our Province of the *Massachusetts-Bay*, but by Act or Acts of Assembly, in which Act or Acts one or more Clauses of Appropriation may be inserted. But that the passing all Accompts for Payment, and the issuing all Moneys so raised, or Bills of Credit, be left to our Governour or Commander in Chief of our said Province, with the Advice and Consent of our Council, according to their Charter; subject nevertheless to a future Inquiry of the then present or any other Assembly, as to the Application of such Moneys.

His Excellency's Message of the 9th. Instant, Read again, and the House took into Consideration that part thereof referring to the Repairs of Fortifications. And

Ordered, That Mr. Speaker, Mr. *Cooke*, Mr. *Shove*, Mr. *Lynde*, Mr. *Lewis*,

Maj. *Chandler* and Col. *Church*, be a Committee to consider what Fortifications may be thought necessary to be Repaired, what Method may be proper for effecting thereof, and make an Estimate of the Charge, and Report so soon as may be.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. *Knowles* have leave to be Absent the Remainder of this Session.

— That Mr. *Barrow* have leave to visit his Family.

The Memorial of *Henry Rolfe* Esq; brought down this Morning from the Honourable Board, pass'd in Council, *viz.* In Council, *March* 10. 1730. Read, and the Board agree to the first Amendment but not the second, and insist on their own Vote with an Amendment.

Sent down for Concurrence. Read and Concurred.

Sent up.

A Petition of *Edward Winslow* Esq; Sheriff of the County of *Suffolk*, praying the Court, for Reasons mentioned, to enable him to Sell Thirty Acres of Land by him taken and set off in severalty, for Satisfaction of his own Fees, and Costs arising upon the Service of a Writ of Partition of Lands therein mentioned. Pass'd in Council, *viz.* In Council, *March* 10. 1730. Read, and

Ordered, That the prayer of this Petition be granted, and that the Petitioner be, and hereby is fully Authorized and Impowered to execute a good Deed in the Law for Conveyance of the Thirty Acres of Land withinmentioned, to such Person as will give the most for the same, and out of the [66] Produce thereof to pay his own Fees, the Fees of the Jurors, and other lawful Charges arising in the Affair herein mentioned; and the remainder of the Produce of the said Land, if any there shall be, to return to *John Winthrop* Esq; or his Attorney; any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and Non-concurred.

Ordered, That Mr. *Lynde* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Pay of the Members. Who returned that he was informed by Mr. Secretary the Board had not pass'd on the said Bill.

Upon a Motion made and seconded,

Voted, That a Conference be had by the House with the Honourable Board, on their Non-concurring the Bill for His Excellency's Support. Sent up for Concurrence by Mr. *Almy*, Mr. *Mason* and Mr. *Bryant*.

Timothy Gerrish Esq; brought down from the Honourable Board, some Instructions to Mr. Agent *Wilkes*, referring to the Petition of the Inhabitants of the Island of *Barbadoes*, prepared by a Committee of both Houses, together with the Copy of said Petition, and Mr. Agent's Letter referring thereto.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

B O S T O N : Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1730. [67]

VOTES

Of the House of Representatives.

Jobis Die 11. Martij, A. D. 1730.

VOted, That Mr. Church have leave to go Home, and return so soon as he can.

— That Col. Gorham and Mr. Ellis be excused for their Absence.

A Bill intituled, *An Act fully empowering Commissioners to determine the Bounds between this His Majesty's Province of the Massachusetts-Bay and the Province of New-Hampshire.*

Read a first Time.

The Bill intituled, *An Act to Repeal an Act intituled, An Act to exempt Persons commonly called Anabaptists, and those called Quakers, within this Province, from being Taxed for and towards the Support of Ministers, as also to Repeal one other Act made in addition to the said Act, and for making Provision instead thereof.*

Read a third time, and concurred with the Amendments.

Sent up for Concurrence.

Symonds Epes Esq; brought down from the Honourable Board, the following Message, viz.

In Council, March 10. 1730.

The Board having nothing before them, and it being now a very busy Season of the Year, and this Session having been already drawn out to a considerable length,

Ordered, That a Message be sent down to the Honourable House of Representatives, to desire that they would give Dispatch to such Affairs lying before them as are of present Necessity, that so His Excellency may be humbly Requested to put a speedy end to this Session.

Read.

The Bill intituled, *An Act for reviving and further continuing several Acts that are expired or near expiring.*

Read a second Time. [68]

The Bill intituled, *An Act for the encouraging the raising of Hemp within this Province.*

Read a second Time.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Petition of *Ebenezer Bardwell*, and *Obadiah Dickenson* of *Hatfield* in the County of *Hampshire*, praying for an Enlargement of the Bounty for Manufacturing of Duck or Canvas, for Reasons mentioned. Read, and referred for Consideration to the next *May* Session.

A Motion being made, That the House would re-consider their Vote of the 23d. of *February* last, on the Petition of *Martha Chamberlain*, the Question was accordingly put, and it pass'd in the Negative.

A Bill intituled, *An Act establishing the Pay of sundry Officers, Soldiers and others in the Pay of this Government.*

Read a first Time.

Ordered, That Mr. *Tyng* go up with a Message to the Honourable Board, to inquire whether they had pass'd on the Bill to *prevent false Musters*. Who returned he had delivered the Message, and was inform'd by Mr. Secretary that the Bill had been Read, but not pass'd on by the Council.

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of *Ruth Royce*, entred the 9th. Instant. Read, accepted, and

Voted, That the Petition be accordingly dismiss'd.

A Bill intituled, *An Act for naturalizing Protestants of foreign Nations, inhabiting within this Province.* Pass'd in Council, viz. In Council, *March 11. 1730.* Read. *P. M.* Read a second time, and pass'd to be Ingross'd.

Read a first Time.

A Petition of the Select-men of the Town of *Bradford*, in behalf of said Town, praying to remit either the whole or some part of a Fine imposed on them at the last *May* Session, for not sending a Representative. The Question was accordingly put, *Whether the House would so do?* And it pass'd in the Negative.

A Petition of *Nathaniel Alexander* of *North-Hampton*, praying the Court to grant him a Tract of some of the unappropriated Lands within this Province, for Reasons mentioned. Read, and the Question put, *Whether the House would make any such Grant?* And it pass'd in the Negative.

Spencer Phipps Esq; came down with a Message from the Honourable Board, to know if any thing was like to come up before the House rise.

The Bill intituled, *An Act for the Relief of poor Prisoners for Debt.*

Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence. [69]

The Bill intituled, *An Act to prevent unnecessary Law Suits.* Read a third time, and pass'd to be Ingross'd.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 12. Martij, A. D. 1730.

VOted, That Mr. *Kingsbury* be excused for his Absence. As also the Members that were absent Yesterday.

A Petition of *John Campbel* of *Oxford*, Clerk, praying the Court to erect a Committee to collect the several Rates and Assessments levied on Lands in said Town, belonging to the Non-resident Proprietors, for Building a Meeting-House and supporing the Ministry there, agreeable to several Acts and Orders of this Court, or so much thereof as remains unpaid, and for want of Payment to enable the said Committee to make Alienations and execute good Deeds in the Law, of so much of the Lands of such Non-resident Proprietors, who have not complied with the said Acts and Orders, or the true Intent thereof, so that the Petitioner may be no longer kept out of his Support, to the impoverishing of himself and Family, or that the Petitioner may receive such further and other Relief in the Premisses, as in their great Wisdom and known Justice they may see meet, for Reasons mentioned. Read.

An Ingross'd Bill intituled, *An Act to Repeal an Act to exempt Persons commonly called Anabaptists, and those called Quakers, within this Province, from being Taxed for and towards the Support of Ministers, as also to Repeal one other Act made in addition to the said Act, and for making Provision instead thereof*, (brought down this Morning by Mr. Secretary) Read, and pass'd to be Enacted.

The Bill intituled, *An Act for reviving and further continuing several Acts that are expired or near expiring*.

Read a third time, and pass'd to be Ingross'd.

The Bill intituled, *An Act for the incouraging the raising of Hemp within this Province*.

Read a third time, and pass'd to be Ingross'd.

The Bill intituled, *An Act for naturalizing Protestants of foreign Nations, inhabiting within this Province*.

Read a second Time.

The Bill intituled, *An Act fully impowering Commissioners to determine the Bounds between this His Majesty's Province of the Massachusetts-Bay, and the Province of New-Hampshire*.

Read a second Time.

The Petition of sundry of the Inhabitants of *Taunton* and *Dighton*, praying as entred the 16th. of *February* last, Read again, and referred to the Session of this Court in *May* next. And [70]

Ordered, That the Petitioners in the mean Time, serve the Towns of *Dighton* and *Taunton* with a Copy of the Petition, that they may then shew Cause (if any they have) why the Prayer thereof may not be granted.

Sent up for Concurrence.

A Bill intituled, *An Act for supplying the Treasury with the Sum of*—
 Thousand Pounds in *Bills of Credit on this Province, and for the issuing and*
disposing thereof, agreeable to the Direction in the Royal Charter.

Read a first Time.

Ordered, That Mr. Lynde and Col. Gorham go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Vote for purchasing the Lands belonging to the Heirs of Judge Sewall, and the Bill to prevent false *Musters*. Who returned they had delivered the Message, and were informed that the said Bill was now under Consideration, and that the said Vote was not yet pass'd on by the Honourable Board.

A Bill intituled, *An Act in addition to the Act*, intituled, *An Act for the Settlement and Distribution of the Estates of Intestates.*

Read a first Time.

Mr. Secretary came down with the following Message from His Excellency, viz.

Gentlemen of the House of Representatives,

Although I have once and again recommended to you the Repairs of His Majesty's Castle William, and a new Establishment for it; yet as nothing is done in it, and that Fortress is of the greatest Consequence and Importance to this Province, and as the General Court is now sitting, and the Charge of that Fortification will be very considerable, it will be acceptable to me, that a Committee of this Court repair to Castle William, and view the Works and Ordnance, that they may the better judge what the necessary Charge may be, as well as the Necessity of enlarging the Number and Pay of that Garrison.

J. BELCHER.

March 12th. 1730.

As also from the Honourable Board the Petition of *Thomas Phillips* of *Boston*, &c.

Voted, That Mr. *Fellows* be added to the Committee for Laws.

His Excellency's Message of this Morning, Read, and

Ordered, That Mr. Speaker, Mr. Cooke, Mr. Shove, Mr. Lynde, Mr. Lewis, Maj. Chandler, Col. Church, Capt. Robinson, Mr. Almy and Mr. Welles, with such as the Honourable Board shall appoint, be a Committee to repair to Castle William and view the same, consider what Repairs may be thought necessary, and the Charge thereof, and Report as soon as may be.

Sent up for Concurrence.

A Petition of *Thomas Phillips* of *Boston*, for himself and others, Proprietors of a certain Farm called *Hathorn's Farm*, lying in the Town of *North-Town*, so called, praying, That they may be enabled by *Samuel Danforth Esq*; [71]

of *Cambridge*, and Mr. *Jonas Houghton* of *Lancaster*, (two able Surveyors) to find out and renew (at their own Cost and Charge) the Bounds of the said Farm, the said two Gentlemen to make Report thereof to this Court at their Sessions in *May* next, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *March 12. 1730.* Read, and *Ordered*, That the prayer of the Petition be granted.

Sent down for Concurrence. Read and Concurred.

Sent up.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. *Forman* have leave to be Absent the next Week.

— That Mr. *Hedge* have leave to visit his Family, to return as soon as the Circumstances thereof will admit.

— That Mr. *Hobson* have leave to be absent till next *Tuesday* Morning.

A Petition of *John Hobbs* of *Ipswich* in the County of *Essex*, praying for such Relief under his difficult Circumstances, as the Court shall think fit. Read and the Question put, *Whether the Prayer of the Petition be granted?* And it pass'd in the Negative.

Ordered, That Maj. *Chandler* go up with a Message to the Honourable Board, to inquire what they have done on the Vote of the House for a Conference. Who returned he had delivered the Message, and was informed by Mr. Secretary, that the Board had Non-concurred the same.

A Plan of a Tract or Gore of Land lying between *Taunton*, *Rehoboth*, *Dighton* and *Norton*, taken by *Samuel Thaxter* Esq; and Mr. *William Throop*, by Order of this Court, upon the Petition of *William Salisbury* at their Session in *March, 1720.* of the Contents of Two Thousand Six Hundred and Forty Acres. Read, and

Ordered, That Col. *Church* and Mr. *Shove* with such as the Honourable Board shall appoint, be a Committee to repair to said Land and, make inquiry into the Right of the Province thereto, and demand Possession thereof, and to make Report of their Proceedings in that Affair the next *May* Session.

Sent up for Concurrence.

Timothy Lyndal, *William Clark* and *Ebenezer Stone* Esqrs. came down from the Honourable Board with the following Message, *viz.*

In Council, *March 12. 1730.*

Ordered, That a Message be sent down to the Honourable House to acquaint them, That although the Board have not concurred the Vote of the House for a Conference on the Board's Non-concurring the Bill for His Excellency's

Support; yet they are very ready to confer with the House on the subject Matter or Substance of that Bill, viz. His Excellency's Support, if the House desire it. Read, and [72]

Ordered, That a Conference be had by the House with the Honourable Board, on the Subject Matter of the Bill for His Excellency's Support, which they have Non-concurred. Sent up for Concurrence, by Maj. *Gerrish*, Mr. *Little* and Mr. *Tyng*.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

Sabbati Die 13. Martij, A. D. 1730.

VOted, That Mr. *Adams* have leave to be Absent till next *Tuesday* Morning, Mr. *Washburn* till *Tuesday* Afternoon, & Capt. *Foster* till next *Thursday*.

The Bill intituled, *An Act for supplying the Treasury with the Sum of* ———— *Thousand Pounds in Bills of Credit on this Province, and for the issuing and disposing thereof, agreeable to the Direction in the Royal Charter.*

Read a second Time.

The Bill intituled, *An Act fully empowering Commissioners to determine the Bounds between this His Majesty's Province of the Massachusetts-Bay, and the Province of New-Hampshire.*

Read a third time, and pass'd to be Ingross'd.

Sent up for Concurrence, by Maj. *Gerrish*, Mr. *Rolfe* and Mr. *Berry*.

The Bill intituled, *An Act for naturalizing Protestants of foreign Nations, inhabiting within this Province.*

Read a third time, and concurred with an Amendment.

Sent up for Concurrence.

Ordered, That Maj. *Chandler* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Vote for appointing a Committee to repair to Castle *William*, and acquaint them that the House are desirous the said Committee may proceed on that Affair on *Monday* next. Who returned he had delivered the Message, and was inform'd that the Board had concurred said Vote, and joyn'd a Committee.

Ordered, That Maj. *Gerrish*, Mr. *Lemmon*, Mr. *Porter* and Maj. *Brattle* be added to the Committee appointed to repair to Castle *William*.

Jonathan Remington Esq; came down with a Message from the Honourable Board to inform the House, that they had Non-concurred the Bill to *prevent false Musters*, as also that *for reviving several Acts*; and that they had new draughted the same.

William Dudley Esq; came down with a Message to inform the House, that the Council have agreed that the Committee appointed to view Castle *William*, proceed on that Affair on *Monday* next.

A Bill intituled, *An Act for Regulating the Soldiers in His Majesty's Service, and in the Pay of this Province.* Pass'd in Council, viz. In Council, March 12. 1730. Read. 13th. Read a second Time, and pass'd to be Ingross'd.

Sent down for Concurrence.

Read a first Time. [73]

A Bill intituled, *An Act for Explanation of, and Supplement to the Act referring to the Poor, &c.* Pass'd in Council, viz. In Council, March 12. 1730. Read. 12th. Read a second time, and pass'd to be Ingross'd.

Sent down for Concurrence.

Read a first Time.

A Bill intituled, *An Act for preventing Deceit in the Gauge of Cask.* Pass'd in Council, viz. In Council, March 12. 1730. Read. 13th. Read a second and pass'd to be Ingross'd.

Sent down for Concurrence.

Read a first Time.

A Bill intituled, *An Act for the levying and regulating Soldiers, the Establishment of Officer's and Soldier's Pay in His Majesty's Service, and to prevent false Musters.* Read a first time, and the Question put, *Whether the same should have a second Reading?* And it pass'd in the Negative.

Voted, That Mr. *Learned* have leave (after *Monday* next) to be Absent next Week.

Then the House Adjourned till *Monday* next, Five a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 15. Martij, A. D. 1730.

VOted, That Mr. Sewall, Mr. Blake, Col. Fullam and Mr. Wolcot be excused for their Absence.

A Memorial of *Jacob Wendal*, &c. Merchants and others, of the Town of *Boston*, praying, That the Court would make *Fifty Thousand Pounds* in Bills of a new Form, and give them out to a Number of Merchants and others, upon Real Security in double the Value of what they shall take, to pay them into the Province Treasury at the Rate of *Seventeen Shillings* per Ounce, or Gold in proportion, within the Term of Five Years, one fifth part every Year, and the whole at the Expiration of the said Term, and make further Bills from time to time as the Success of those shall prove, and Borrowers appear to take them. And in case the Court should not think such a Thing adviseable for them to do, that they may have their Countenance to enable them to form themselves into a Corporation, to carry on such an Affair in their private Capacity, for Reasons mentioned.

Read.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Martij Die 16. Martij, A. D. 1730.

VOted, That Mr. Brentnal, Mr. Wellington and Mr. Chandler be excused for their Absence.

The Bill intitled, *An Act for Explanation of, and Supplement to the Act referring to the Poor*, &c.

Read a second Time.

The Bill intitled, *An Act for Regulating the Soldiers in His Majesty's Service, and in the Pay of this Province*.

Read a second Time. [76]

The Bill intitled, *An Act for preventing Deceit in the Gauge of Cask*.

Read a second Time.

The Petition of *Jacob Wendal*, &c. Merchants and others, praying as entred Yesterday. Read again.

The Bill intitled, *An Act in further addition to an Act*, intitled, *An Act for the Settlement and Distribution of the Estates of Intestates*.

Read a second Time.

An Accompt of *Joseph Greenleaf*, for sundrys expended on Gentlemen that waited upon His Excellency on his first Journey to his *New-Hampshire* Gov-

ernment, amounting to *Eleven Pounds Nine Shillings*. Read, and the Question put, *Whether the Accompt be allowed?* And it pass'd in the Negative.

A Petition of Mrs. *Elizabeth Usher*, Relict Widow of the Honourable *John Usher* Esq; late of *Charlestown*, deceased, Intestate, and Administratrix of his Estate, praying, That she may be enabled in her said Capacity, to Sell so much of the said Deceased's Real Estate in *Charlestown*, as will be sufficient to satisfy his just Debts, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the Heirs of the said Deceased with a Copy of the Petition, that they may shew Cause (if any they have) on *Wednesday* the 24th. Instant, if the Court be then sitting, if not, on the first *Tuesday* of the next *May Session*, why the Prayer thereof may not be granted. Sent up for Concurrence.

Voted, That Maj. *Chandler* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Vote of the House for a Conference, and to desire that they would send down the Bill to *prevent false Musters*. Who returned he had delivered the Message, and was inform'd by Mr. Secretary, that the Board had Concurred the said Vote, but had not agreed upon a Time for the Conference, and that the Bill would be sent down.

Voted, That Mr. *Cooke*, Mr. *Lewis*, Mr. *Welles*, Mr. *Shove*, Mr. *Bradford*, Mr. *Choat*, Capt. *Goddard* and Capt. *Foster*, be the Managers of the Conference on the part of the House.

Spencer Phipps Esq; came down from the Honourable Board, with the Bill to *prevent false Musters*. Also a Message, that they had appointed Eleven o'Clock to Morrow Morning for the Conference.

A Petition of *John Quane*, Attorney for *George Campbel* of *Boston*, Merchant, praying, That the Officer who has an Execution in his Hands, for Satisfaction of a Judgment of *Three Hundred and Ninty Pounds, Thirteen Shillings and four pence*, recovered against the said *George Campbel*, at the Superior Court held at *Boston* in *February* last, by *William Maxwel* of the same place, may be directed to keep the Money in his Hands, until such Time as the Petitioner can have a Trial with said *Maxwel* for recovering *Ninety five Pounds sixteen Shillings* Sterling, due from him by a Note under Hand to the [77] said *Campbel*, and that if he recovers the same, the said Officer may be *Ordered* to discount so much upon the said Execution.

Read.

Samuel Thaxter Esq; brought down from the Honourable Board, the Plan of the Gore of Land lying between *Taunton*, &c. entred the 12th. Instant, with a Proposal of theirs, that the following Alteration might be made in the Vote of the House on said Plan, *viz.* That the Words, *so soon as may be*, might be inserted instead of *the next May Session*. Which was agreed to accordingly.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Col. *Gorham* have leave to be Absent till to Morrow come sen'night.

— That those Members that were absent Yesterday be excused.

A Petition of *William Crany* of *Dunstable*, praying such an Allowance for his Trouble and Charge within-mentioned, as the Court shall see meet, for Reasons mentioned. Read, and the Question put, *Whether any Allowance should be made the Petitioner?* And it pass'd in the Negative.

The Petition of *John Quane* for *George Campbel*, praying as entred in the Forenoon. Read again, and committed to the Committee for Petitions.

Mr. Secretary brought down the following Ingross'd Bills, viz.

A Bill for *incouraging the raising of Hemp*.

Read, and pass'd to be Enacted. Sent up.

A Bill for *naturalizing Protestants of foreign Nations, inhabiting within this Province*. Read, and pass'd to be Enacted. Sent up.

The Bill intituled, *An Act establishing the Pay of sundry Officers, Soldiers and others in the Pay of this Government*.

Read a second Time.

Theophilus Burrel Esq; brought down from the Honourable Board the Vote of the 8th. Instant, for purchasing the Land, &c. of Judge *Sewall's* Heirs. Pass'd in Council, viz. In Council, *March 16. 1730*. Read and concurred with the Amendment.

Read and Non-concurred. And the House adhere to their own Vote.

Sent up for Concurrence.

Voted, That Capt. *Alden* be added to the Committee appointed the 10th. Instant, to consider of the Fortifications, in the room of Mr. *Lynde* now absent.

Ordered, That Capt. *Kent* go up with a Message to the Honourable Board to desire they would send down the Petition of *John Ashley* and others, entred the 23d. of *September*, and 3d. of *July* last, and the Papers referring thereto. [78]

Spencer Phipps Esq; came down with a Message from the Honourable Board, desiring that the Bill prepared by the Government of *New-Hampshire* for the Settlement of the Line between this Province and that, might be sent up; which was accordingly done.

Upon a Motion made and seconded,

Ordered, That the Sum of *Fifteen Pounds* be allowed and paid out of the publick Treasury to Mr. *John Larrabee*, Lieutenant of His Majesty's Castle *William*, in consideration of his Care & Trouble in Inlisting Soldiers there.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Mercurij Die 17. Martij, A. D. 1730.

VOted, That Mr. True, Mr. Bryant, Mr. Washburn, Mr. Kingsbury and Maj. Bowles, be excused for their Absence.

The Bill intitled, *An Act for Explanation of, and Supplement to the Act referring to the Poor, &c.* Read a third Time and Concurred.

The Bill intitled, *An Act for Regulating the Soldiers in His Majesty's Service, and in the Pay of this Government.*

Read a third Time and Concurred.

The Bill intitled, *An Act to prevent false Musters.* Read three several Times, and pass'd to be Ingross'd, as taken into a new Draught.

Sent up for Concurrence.

Ordered, That Maj. Chandler go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for *the Pay of the Members*, and if not, that they would send it down. Who returned he had delivered the Message, and was informed that the Board had not pass'd thereon.

Mr. Secretary brought down the said Bill, as also an Ingross'd Bill, intitled, *An Act to prevent unnecessary Law Suits*; which was Read, and pass'd to be Enacted. And sent up for Concurrence by Col. Church, Maj. Gerrish and Maj. Bowles.

The Bill intitled, *An Act in further addition to an Act*, intitled, *An Act for the Settlement and Distribution of the Estates of Intestates.*

Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

A Petition of *William Thayer* and sundry others, Inhabitants of the *Westerly* part of the Town of *Taunton*, praying, That they may be set off a distinct Precinct or Township, according to the Bounds and for the Reasons therein mentioned. Read, and

Ordered, That the Petitioners serve the Town of *Taunton* with a Copy of the Petition, that they may shew Cause (if any they have) on the second *Tuesday* of the next *May* Session, why the prayer thereof may not be granted.

Sent up for Concurrence. [79]

Ordered, That Mr. Lynde go up with a Message to the Honourable Board, to inquire whether they are ready to proceed to the Conference agreed upon by both Houses. Who returned he had delivered the Message; and soon after *Samuel Thaxter* Esq; came down with a Message from the Honourable Board, to acquaint the House, that they were ready to attend that Affair, and that the Board desired the House to walk up to the Council Chamber.

Mr. Speaker and the House went up accordingly, and a Conference was had, which being ended, Mr. Speaker and the House returned to their own Chamber. And

Then the House Adjourned till Four a Clock Afternoon.

Post Meridiem.

Voted, That Mr. *Fletcher*, Mr. *Bisby* and Capt. *Hale*, be excused for their Absence.

The Petition of *John Ashley* and others, entred the 23d. of *September* last, Read again, and

Ordered, That the prayer of the Petition be so far granted, as that the Petitioners have the Privilege and Use of the Branch of the River within-mentioned for the space of Three Years next coming, Ten Rods above, and Ten Rods below the Wear within-mentioned.

Sent up for Concurrence.

Mr. *Cooke* from the Committee appointed to consider of the Fortifications Reported, which was Read and Accepted, and the House came into the following Vote, *viz.*

Whereas the Platforms and many of the Carriages in His Majesty's Garrison at Castle *William*, are very much gone to decay, the Brick and Stone Work requires pointing and mending, more especially the Tops of the Brick Copings, and several other Reparations are there needful to be made; And whereas it is necessary that the Batteries in *Boston*, *Salem*, *Charlestown* and *Marblehead* be Re-built, and that sundry Repairs are needful in the Forts at *Richmond*, *Winter-Harbour* and *Brunswick*, as also in the Truck-House on *George's River*, the doing whereof will demand a large Sum of Money.

Voted, That the same be accordingly effected, and that there be a Grant made to His Majesty of such Sum and Sums of Money as shall be necessary, and to be applied to and for that Purpose, to be brought into the Treasury again by a Tax upon Polls & Estates by Ten equal Payments, to commence on and from the last Day of *December*, which will be in the Year of our Lord *One Thousand Seven Hundred and Forty One*, and that a Committee be appointed by this Court to see the said Work compleated, and that a Bill be prepared accordingly, the Cost and Charge arising upon the said Work to be computed in the said Bill.

Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

VOTES

Of the House of Representatives.

Jobis Die 18. Martij, A. D. 1730.

VOted, That Mr. Flagg be excused for his Absence.

A Petition of *Samuel Kingman* and others, a Committee appointed by the *West Precinct* in *Bridgewater*, praying the Court to Order, That the new Meeting-House (designed to be Built there) be set up on the high Ground in the said Precinct upon *Benoni Hayward's* Land, the Report of the Committee of the Honourable Court notwithstanding, for Reasons mentioned. Read and the Question put, *Whether the Prayer of the Petition be granted?* And it pass'd in the Negative.

A Memorial of *Samuel Abraham* of *Natick*, in the County of *Middlesex*, Indian Proprietor, praying the Court to take into their Consideration a Petition of his exhibited the 2d. Instant, and grant the prayer thereof. Read, and the Question put, *Whether the House would re-consider their Vote on the said Petition?* And it pass'd in the Affirmative, and upon Reading the said Petition again,

Ordered, That the prayer thereof be so far granted as that the Petitioner have leave to dispose of Twenty Acres of the Land within-mentioned, and that *Francis Fullam* and *William Brattle* Esqrs. be, and hereby are appointed and impowered to make Sale thereof to the highest Bidder, giving at least Ten Days publick Notice of the Time and place of Sale. The Produce thereof to be applied to and for the Purpose within-mentioned, and the Remainder (if any there be) by them to be disposed of for the benefit of the Petitioner, as his Circumstances may call for it.

Sent up for Concurrence.

A Memorial of *John Brooks* of *Natick*, in the County of *Middlesex*, and *Hannah* his Wife, Indians, praying the Court again to consider of a Petition of theirs exhibited the 23d. of *September* last, and grant the prayer thereof. Read, and the Question put, *Whether the prayer of the Memorial be granted?* And it pass'd in the Affirmative. [82]

A Complaint and Petition of *Joseph Mallinson*, praying the Court by an *Act* or *Resolve*, to make void a Deed of a considerable Real Estate in *Plympton*, by him Sold to Mr. Treasurer *Allen* and Associates, as also a Judgment by them recovered against the Petitioner, for Reasons mentioned. Read, and referred for Consideration to the second *Wednesday* of the Session of this Court in *May* next. And

Ordered, That the Petitioner in the mean time serve the adverse Parties with a Copy of the Petition, that they may then shew Cause (if any they have) why the prayer thereof may not be granted.

Sent up for Concurrence.

A Petition of *Samuel Tarbell*, in behalf of himself and Fifty Nine others, Subscribers to a Petition preferred to this Great and General Court in *September*, 1728. for a Tract of Land for a Township, praying, That their said Petition may be revived, and that the Court would grant the prayer of it, under such Regulations as may be most effectual for Settling the same, for Reasons mentioned. Read, and referred to the Session of this Court in *May* next.

A Petition of *Daniel Gage* of *Bradford* in the County of *Essex*, Ferryman, praying, That he may have granted to him and his Heirs, the privilege of keeping a Ferry over *Merrimack* River, by his present Dwelling-House in said *Bradford*, for such Time as the Court shall think fit, for Reasons mentioned. Read.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. *Hobson* be excused for his Absence.

The House took into Consideration the Memorial of *John* and *Hannah Brooks*, entred in the Forenoon, and the same was again Read, as also the Petition therein referred to, and

Ordered, That the prayer of the Petition be so far granted, as that the Petitioners have leave to dispose of one half of their Right in the common Land within-mentioned, and that *Francis Fullam* Esq; and Mr. *John D'Eath* be, and hereby are impowered to make Sale thereof to the highest Bidder, giving at least Ten Days publick Notice of the Time and Place of the Sale. The Produce thereof to be applied to and for the Purpose within-mentioned; and the Remainder (if any there be) by them to be disposed of for the Benefit of the Petitioners, as their Circumstances may call for it.

Sent up for Concurrence.

The Petition of *Daniel Gage*, entred this Morning, Read again, and the Question put, *Whether the prayer thereof be granted?* And it pass'd in the Negative.

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of *John Quane*, Attorney for Mr. *George Campbell*, entred the 16th. Instant, Read and accepted, and in Answer to the Petition, accordingly [83]

Ordered, That (unless the within-named *William Maxwell* shall give sufficient Security to satisfy what by a due Course of Law may be recovered by

the Petitioner, on the Note within-mentioned) the Sheriff (appointed for levying the Execution within referred to) be, and hereby is directed and empowered to retain and keep in his Hands the Sum of *Three Hundred and fifty Pounds*, until such Time as the Petitioner has had a Trial in the Law for recovery of his Debt within-mentioned, and out of the said Sum to discount to the Value of what the Judgment may amount to, that shall be by him obtained.

And in case the Petitioner shall fail of prosecuting his Suit within Six Months from this Day, he shall allow for stopping the said Sum the lawful Interest that might arise thereon, until it be paid the said *Maxwell*, the Remainder of said *Maxwell's* Judgment being *Forty Pounds thirteen Shillings and four pence*, to be paid to him or his Order: any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Petition of *Sarah Holman*, Relict Widow of *Abraham Holman*, late of *Stow*, deceased, praying, That she may have leave to Sell the said Deceased's Real Estate, for the Reasons mentioned. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

Ordered, That Mr. *Almy* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill to *prevent false Musters*. Who returned he had delivered the Message.

John Turner Esq; brought down from the Honourable Board, the following Bills, viz.

The Bill intitled, *An Act fully empowering Commissioners to determine the Bounds between this His Majesty's Province of the Massachusetts-Bay, and the Province of New-Hampshire*. Pass'd in Council, *March 13. 1730*. Read. 17th. Read a second time, and pass'd a Concurrence with the Amendments.

Sent down for Concurrence.

Read, and the Amendments at *D G H* and *I* concurred, the rest Non-concurred, and the House adhere to the Bill as now amended.

Sent up for Concurrence.

The Bill intitled, *An Act in further addition to the Act*, intitled, *An Act for the Settlement and Distribution of the Estates of Intestates*. Pass'd in Council, viz. In Council, *March 17. 1730*. Read. 18th. Read a second time, and Concurred with the Amendment.

Sent down for Concurrence. Read and Concurred.

The Memorial of the *Boston* Merchants and others, entred the 16th. Instant, Read again, and a considerable Debate had thereon, and *Voted*, That the same be referred to the Session of this Court in *May* next.

Ordered, That Mr. Speaker, Mr. *Cooke*, Mr. *Lewis*, Mr. *Welles* and Mr. *Lynde*, with such as shall be joyned by the Honourable Board, be a Commit[84]

tee in the Recess of the Court to consider of the said Memorial, and Report at the said Session what may be proper for this Court to do thereon.

Sent up for Concurrence.

Ebenezer Stone Esq; came down from the Honourable Board, with the following Message, *viz.*

In Council, *March 18. 1730.*

Ordered, That *Timothy Lyndal*, *Theophilus Burrel* and *Jonathan Remington* Esqrs. be a Committee of this Board to confer with such a Committee as shall be appointed by the Honourable House of Representatives, on the subject Matter of the Amendments on the Bill referring to the Settlement of the Line between this Province and *New-Hampshire*, which were Voted in Council, and not agreed to by the House.

Sent down for Concurrence. Read and concurred. And

Ordered, That *Mr. Cooke*, *Mr. Welles*, *Maj. Brattle*, *Mr. Lynde* and *Mr. Lewis*, be a Committee for the Purpose above-mentioned.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 19. Martij, A. D. 1730.

V*Oted*, That *Mr. Chapin* be excused for his Absence.

Ordered, That *Maj. Brattle* go up with a Message to the Honourable Board, to inquire whether they have acted on the Bill for His Excellency's Support since the Conference, as also what they have done on the Bill to *prevent false Musters*. Who returned he had delivered the Message, and was informed by the Board, That they had pass'd on the Bill for His Excellency's Support, and had not altered their Minds since the Conference; and the other Bill was under their Consideration.

The Bill intituled, *An Act for the Payment of the Representatives in the late General Court or Assembly, from the fourteenth of October last past, to the Dissolution thereof; and of the Representatives serving in this Court to the end of the present Session*, having been Read three several Days, pass'd to be Ingross'd as taken into the new Draught.

Sent up for Concurrence.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Mr. Secretary brought down the following Bills, *viz.*

An Ingross'd Bill intituled, *An Act for Explanation of, and Supplement to the Act referring to the Poor, &c.* Read, and pass'd to be Enacted.

An Ingross'd Bill intitled, *An Act for Regulating the Soldiers in His Majesty's Service, and in the Pay of this Province.*

Read, and pass'd to be Enacted. [85]

An Ingross'd Bill intitled, *An Act in addition to the Act, Intituled, An Act for the Settlement and Distribution of the Estates of Intestates.*

Read, and pass'd to be Enacted.

Seth Williams Esq; brought down from the Honourable Board, the Bill to prevent false *Musters*. Pass'd in Council, viz. In Council, *March 17. 1730.* Read. 19th. Read a second time, and pass'd a Concurrence with the Amendments. Sent down for Concurrence. Read, and the Amendments A, B, E, F, G, □, X, and I, concurred, the others Non-concurred, and the House adhere to the Bill as now amended.

Sent up for Concurrence.

Jonathan Douse Esq; came down with a Message from the Honourable Board, desiring to speak with Col. *Fullam*, who having the leave of the House, went up accordingly.

The Bill intitled, *An Act for preventing Deceit in the Gauge of Cask.*

Read a third Time and past a Concurrence. Sent up.

A Petition of *Jonathan Draper* of *Roxbury*, praying the Court would grant him a piece of Province Land of the quantity of about One Hundred and Fifty Acres, adjoining his own Land, (he paying therefor into the publick Treasury what may be the real Value thereof) and also Allowance for a Country Way laid out sometime since, by Order of this Government, through the Petitioner's Land, (said Land and Allowance being the same he formerly Petitioned for, and a Committee appointed to take a View thereof, Survey it and Report, but for Reasons mentioned the same was not accomplished) Read, and in Answer thereto.

Ordered, That Maj. *Chandler* and Mr. *Joseph Ellis* be a Committee to repair to the said Land petitioned for, View and Survey the same, consider the Nature thereof, and Report their Opinion to this Court at their Sessions in *May* next, what may be the true Value of the said Land, together with a Plan of the Contents thereof, and that the Petition be accordingly referred.

A Petition of *Ephraim Hayward* and others, a Committee for the *West* Precinct in *Bridgewater*, praying the Court to appoint and send a suitable Person to regulate a Precinct-Meeting of theirs, appointed to be on the 22d. Instant, for Reasons mentioned. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

Ordered, That Col. *Fullam* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Grant to the *Narraganset* Soldiers, since it went up last. And whether any thing was like to come down from the Board this Evening. Who returned he had delivered the Message, and

was informed the Board had Non-concurred the Vote of the House respecting said Grant, and that something was like to come down.

Maj. *Chandler* from the Committee appointed to take under Consideration the Petition of *Samuel Hunt of Bellerica*, for and in behalf of himself and others, entred the 1st. of *January* last, and revived at this Session. Reported, Read, Accepted, and [86]

Ordered, That the prayer of the Petition be so far granted, as that the Petitioner & his Associates have leave by a Surveyor & Chainmen on Oath, to Survey and lay out a Township, of the Contents of Six Miles square, at the place petitioned for, or as near the same as may be, in some of the unappropriated Lands within this Province, and return a Plan thereof to this Court within Twelve Months for Confirmation; and that then the Court consider what may be proper for the more effectual bringing forward the Settlement of the said Township.

Sent up for Concurrence.

Thomas Hutchinson Esq; brought down from the Honourable Board the Bill to *prevent false Musters*.

Also the Petition of *Samuel Abraham*, entred the 18th. Instant. Pass'd in Council, *viz.* In Council, *March* 19. 1730. Read and concurred with the Amendments.

Sent down for Concurrence. Read and Concurred.

And the Petition of *John and Hannah Brooks*, entred the 18th. Instant. Pass'd in Council, *viz.* In Council, *March* 19, 1730. Read and Non-concurred, and

Ordered, That this Petition be referred to the next *May* Session, and that in the mean time *Francis Fullam Esq;* and Mr. *John D'Eath* be desired to inquire into the Petitioner's Debts, and to Report what they are, to this Court at the said Session.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati Die 20. Martij, A. D. 1730.

VOted, That Mr. *Bradford* have leave to visit his Family, to return so soon as he can.

— That Mr. *White* and Mr. *Jacob* have leave to be Absent till next *Tuesday* Morning.

The Petition of *Daniel Gage*, entred the 18th Instant, Read again, and referred for Consideration to the next *May* Session.

The Bill to *prevent false Musters*, pass'd in Council, *viz.* In Council, *March* 19. 1730. Read and concurred with the Amendment at V. *viz.* Instead of

the Words [*It is judged Necessary by this Court*] the following Words [*It is Necessary*] Sent down for Concurrence. Read and Non-concurred. And the House adhere to the Bill as before amended.

Sent up for Concurrence.

Ebenezer Stone Esq; brought down from the Honourable Board, the Bill to *prevent false Musters*. Pass'd in Council, *viz.* In Council, *March 20. 1730.* Read and concurred with the Amendment at W. *viz.* dele the Words [*kept up, and*]

Sent down for Concurrence.

Read and Concurred.

Sent up. [87]

The Bill intitled, *An Act establishing the Pay of sundry Officers, Soldiers and others in the Pay of this Government.*

Read a third Time, and pass'd to be Ingross'd.

Seth Williams Esq; came down with a Message from the Honourable Board, to know whether any thing was like to come up this Forenoon.

Ordered, That *Mr. Lynde*, *Mr. Almy*, *Mr. Tyng* and *Mr. Fellows*, go up to the Honourable Board with the Bill *for Establishments*; as also with a Message to acquaint them, that something further would be sent up presently. Who returned he had delivered the Message.

The Bill intitled, *An Act for supplying the Treasury with the Sum of Twenty Thousand Pounds in Bills of Credit on this Province, and for the issuing and disposing thereof, agreeable to the Direction in the Royal Charter.*

Read a third time, and pass'd to be Ingross'd.

Sent up for Concurrence by *Maj. Brattle*, *Capt. Alden*, *Mr. Bisby* and *Mr. Choat*.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 22. Martij, A. D. 1730.

A Memorial of *Thomas Tileston, Isaac Royal*, and sundry others of the Inhabitants and Proprietors of *Dorchester, Milton, Stoughton*, and other Towns adjoining, praying the Court's Order for Building a County Bridge over *Neponset River* near Mr. *Jackson's Iron-Mills*, for Reasons mentioned.

Read.

A Petition of *Zechariah Trescot* of *Boston*, Joyner, praying the Relief of the Court in the Case therein referred to, for Reasons mentioned in the Petition. Pass'd in Council, viz. In Council, *March 22. 1730.* Read, and

Ordered, That the Petitioner serve the Executrix of the last Will and Testament of Capt. *Ephraim Savage* deceased, with a Copy of the Petition, that so she may shew Cause, (if any she have) on *Wednesday* next, why the prayer thereof should not be granted.

Sent down for Concurrence.

Read.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Martis Die 23. Martij, A. D. 1730.

Voted, That Mr. *Estabrook* and Mr. *Mason* be excused for their Absence. Mr. Secretary brought down the following Bills, viz.

An Ingross'd Bill intituled, *An Act for preventing Deceit in the Gauge of Cask.*

Read, and pass'd to be Enacted.

An Ingross'd Bill intituled, *An Act to prevent Fraud in Muster-Rolls.*

Read, and pass'd to be Enacted.

The Memorial of *Thomas Tileston, Isaac Royal*, and sundry others of the Inhabitants and Proprietors of *Dorchester, Milton, Stoughton*, & other Towns [90] adjoining, praying as entred Yesterday. Read again, and the Question put, *Whether the Prayer of the Petition be granted?* And it pass'd in the Negative.

Ordered, That Maj. *Chandler* go up with a Message to the Honourable Board, to inquire whether they have any thing to send down this Forenoon. Who returned he had delivered the Message, and was informed by Mr. Secretary, that nothing was like to come down.

The Petition of *Zechariah Trescot*, entered Yesterday, Read again, and the Vote of the Council thereon, and Non-concurred.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Voted, That the Members that have been Absent this Week hitherto be excused.

A Petition of *Thomas Verien Jun.* of *Boston* in the County of *Suffolk*, Mariner, praying the Liberty of the Court to review a Judgment obtained against him, by one *Axel Roberts* of *Scarborough*, at a Superior Court of Judicature held at *York* in the County of *York*, the 13th. of *May* last, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the adverse Party with a Copy of the Petition, that he may shew Cause (if any he have) on the second *Thursday* of the next *May* Sessions, why the prayer thereof may not be granted.

Sent up for Concurrence.

Ordered, That Mr. *Bisby* go up with a Message to the Honourable Board to inquire whether they have pass'd on the Bill for the Supply of the Treasury, and the Bill for Establishments: who returned he had delivered the Message, and was informed that the Board had unanimously Non-concurred the former, and that they had the other Bill under their Consideration.

Voted, That the several Petitions for Grants of Land for Townships (lying before this Court) be, and hereby are referred for Consideration to the Sessions of this Court in *May* next.

The Memorial of *Jeremiah Allen Esq;* Treasurer of this Province, praying, That he may be reimbursed *Eleven Pounds Eighteen Shillings* he has been out in prosecuting an Action in the Year 1729, against one *William Beard*, Mariner, on the Accompt and for the Reasons therein mentioned. Read, and

Ordered, That the prayer of the Petition be granted, and that the Sum of *Eleven Pounds Eighteen Shillings* be allowed the Memorialist, for Satisfaction of his Trouble and Costs in the Case within-mentioned.

Sent up for Concurrence.

A Petition of *Zechariah Trescot* of *Boston* in the County of *Suffolk*, Housewright, setting forth, that he hath lately been committed to Prison by the Sheriff of the said County, for not paying the Sum of *Three Hundred and Nine Pounds Three Shillings and Eleven pence*, to Mr. *Ephraim Savage* late of said *Boston*, deceased, for Satisfaction of a Judgment obtained against the [91] Petitioner before his Decease, praying the Court would direct and empower the said Sheriff to permit him to go at large, notwithstanding the Service of the Execution, upon his giving Bond with Security to pay the aforesaid Sum and Costs to the Executrix of the last Will of the said Deceased, in case the said Judgment be not reversed upon his Review of the said Action, at the next Superior Court of Judicature to be holden at *Boston*, on the second *Tuesday* of *August* next, or if the said Judgment be reversed in part, to pay

the Defendant so much Money as shall then be found due from the Petitioner to the Estate of the said Deceased, to Satisfy the said Judgment. Read, and

Ordered, That the Petitioner serve the Executrix of the last Will and Testament of the within-named Deceased, with a Copy of this Petition, that she may shew Cause (if any she have) on *Friday* next, why the prayer thereof may not be granted.

Sent up for Concurrence.

Ordered, That Mr. *Chapin* be joyned with Maj. *Chandler*, in the room of Mr. *Ellis*, to View and Survey the Land, &c. petitioned for by *Jonathan Draper*, as entred the 19th. Instant.

Mr. Secretary came down from His Excellency with the following Message, *viz.*

Gentlemen of the House of Representatives,

S*ince I don't find any Motion from you on account of the Children of your late Governour, Mr. Burnet, I must remind you of the Message I made to the late Assembly on their behalf, and I hope you will no longer delay the Payment of what has been once and again Voted to be justly due to their deceased Father, I mean after the Rate of Three Thousands Pounds a Year for the Time he was in the Government, which amounts to Three Thousand Four Hundred Pounds. I should be glad when you come to consider this Matter, that you would make the Orphans a proper Allowance for the Time the Money has been withheld from them, which is upwards of Three Hundred Pounds.*

J. BELCHER.

March 23d. 1730. Read.

John Alford Esq; came down with a Message from the Honourable Board, to know if any thing were like to come up this Evening.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurij Die 24. Martij, A. D. 1730.

V*oted*, That Capt. *Brigham* have leave to go Home for the Recovery of his Health, to return so soon as that will admit of it.

— That Mr. *Dudley* be excused for his Absence, as also all the Members that have been absent this Week hitherto. [92]

A Petition of *George Read* and sundry others, Inhabitants of the second Precinct in *Woburn*, praying they may be freed from paying any Tax toward the Support of the Gospel in said Precinct, for Reasons mentioned. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

Ordered, That Mr. *Lynde* go up with a Message to the Honourable Board, to desire they would send down the Bill for the *Payment of the Representatives*; which he brought down accordingly.

John Alford Esq; brought down the Bill *impowering Commissioners to determine the Bounds between this Province and the Province of New-Hampshire*.

Ordered, That Mr. Speaker, Mr. *Lewis*, Mr. *Cooke*, Mr. *Welles*, Mr. *Lynde*, Capt. *Goddard*, Mr. *Bisby*, Maj. *Chandler*, Mr. *Choat*, Capt. *Alden*, Maj. *Gerrish*, Mr. *Hobson* and Mr. *Burrel*, be a Committee to consider what may be proper for this Court to do for the Support of His Excellency the Governor, and Report as soon as may be.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Bill intituled, *An Act fully impowering Commissioners to determine the Bounds between this His Majesty's Province of the Massachusetts-Bay, and the Province of New-Hampshire*. Pass'd in Council, viz. In Council, *March 24. 1730*. Read twice, and pass'd to be Ingross'd with the Amendment.

Sent down for Concurrence. Read and Concurred with a further Amendment.

Sent up for Concurrence.

Charles Chambers Esq; came down with a Message from the Honourable Board, to know whether they might expect any thing from the House this Afternoon.

Ordered, That Mr. *Cooke*, Mr. *Lynde*, Mr. *Lewis*, Mr. *Welles*, Mr. *Cushing*, Maj. *Chandler* and Mr. *Bisby*, be a Committee of this House to confer with such a Committee as shall be appointed by the Honourable Board, on the subject Matter of the Bill for the Supply of the Treasury, which the Board have Non-concurred. The Conference to be attended forthwith.

Sent up for Concurrence.

Voted, That Mr. *Sprague* have leave to visit his Family, to return so soon as he can.

— That Capt. *Brentnal* have leave to be absent till *Saturday* next.

Then the House Adjourned till *Fryday* next, Eleven a Clock in the Forenoon.

VOTES

Of the House of Representatives.

Veneris Die 26. Martij, A. D. 1731.

Voted, That Mr. *Almy* and Mr. *Fellows* have leave to visit their Families, to return as soon as they can.

— That Capt. *Robinson* have leave to be absent till *Wednesday* next. And that Mr. *Willis* and Mr. *Berry* be excused for their Absence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. *Wolcot* and Mr. *Gatchel* be excused for their Absence.

Ordered, That Mr. *Cooke*, Mr. *Welles* and Mr. *Lynde*, with such as the Honourable Board shall appoint, be the Committee to attend upon the Commissioners appointed for the Settlement of the Boundary Lines between this Province and the Province of *New-Hampshire*.

Sent up for Concurrence.

A Bill intituled, *An Act in addition to an Act*, intituled, *An Act for regulating of Tanners, Curriers and Cordwainers, made and pass'd in the Tenth Year of the Reign of King William the third*.

Read.

Spencer Phipps Esq; brought down from the Honourable Board, the Bill for establishing the Pay of sundry Officers, Soldiers and others in the Pay of this Government. Pass'd in Council, viz. In Council, *March* 20. 1730. Read. 23d. Read a second Time and committed. 24th. Read a third Time and pass'd a Concurrence with Amendments as taken into a new Draught.

Sent down for Concurrence.

Also the said Draught intituled, *An Act establishing the Pay of Officers, and Soldiers, and others in His Majesty's Service, within this Government*. Pass'd in Council, viz. In Council, *March* 24. 1730. Read twice, and pass'd to be Ingross'd. Sent down for Concurrence.

Read. [94]

A Bill intituled, *An Act for ascertaining the Number, and regulating the House of Representatives*.

Read.

Voted, That Mr. *Dean* have leave to visit his Family, to return so soon as he can.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Sabbati Die 27. Martij, A. D. 1731.

THE Bill intituled, *An Act establishing the Pay of sundry Officers, Soldiers, and others in the Pay of this Government;* and the Vote of Council thereon, Read again.

As also the Bill intituled, *An Act establishing the Pay of Officers and Soldiers, and others in His Majesty's Service within this Government.*

William Pepperel Esq; brought down from the Honourable Board the Petition of *Zechariah Trescot.*

Seth Williams Esq; brought down the Plan of the Tract or Gore of Land between *Taunton, Rehoboth, &c.* as entred the 12th. Instant.

Mr. Secretary brought down an Ingross'd Bill intituled, *An Act fully empowering Commissioners to determine the Bounds between His Majesty's Province of the Massachusetts-Bay, and the Province of New-Hampshire.* As also the Petition of *Mrs. Usher.*

Mr. Speaker from the Committee appointed to consider of His Excellency's Support, Reported, That they had agreed on the Draught of a Bill for that Purpose, which he laid on the Table.

A Bill intituled, *An Act providing a Support for His Excellency JONATHAN BELCHER Esq; His Majesty's Captain General, and Governour in Chief, in and over this His Majesty's Province of the Massachusetts-Bay.* Read, and

Ordered, That the same have a second Reading on *Tuesday* next at Three a Clock in the Afternoon, and that the Members then attend.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Luna Die 29. Martij, A. D. 1731.

Voted, That Mr. *Tompson* and Mr. *Barrow* be excused for their Absence.
Mr. Speaker communicated to the House a Letter from Mr. Agent *Wilkes*, bearing Date the 13th. of *February* last. Read.

The Plat of the Tract or Gore of Land between *Taunton*, *Norton*, *Rehoboth* and *Dighton*, with the Report of the Committee appointed to inquire into the Province's Right thereunto, &c. Pass'd in Council, viz. In Council, *March* 27. 1731. Read and sent down. Read.

The Petition of Mrs. *Elizabeth Usher*, Widow and Administratrix of the Honourable *John Usher* Esq; deceased, praying as entred the 16th. Instant, Pass'd in Council, viz. In Council, *March* 27. 1731. Read again, and the Matter of this Petition being fully considered,

Ordered, That this Petition be dismiss'd.

Sent down for Concurrence. Read and Non-concurred. And

Ordered, That the before-named Mrs. *Elizabeth Usher* be, and hereby is fully Authorized and Impowered to make Sale of so much of the said Deceased's Real Estate as shall be necessary to Satisfy his just Debts, and to make and execute in due Form of Law, a Deed or Deeds thereof, to such Person or Persons as will give most for the same, she (before such Sale be made) giving Thirty Days publick Notice, by posting up Notifications thereof in the Town where the said Deceased last Dwelt, and in the two next adjoining, as also in the Shire Town of the County of *Middlesex*; and to be accountable to the Judge of Probate in said County for the produce of the Premises: Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

An Accompt of the Expence of the Committee appointed to view the Gore of Land between *Taunton*, *Dighton*, &c. amounting to *Nine Pounds Sixteen Shillings and Eleven pence*. Read and allowed, and [96]

Voted, That the Sum of *Nine Pounds Sixteen Shillings and Eleven pence* be paid to *Samuel Thaxter* Esq; by him to be paid to the Persons to whom the same is respectively due, in full Discharge of the said Accompt.

Sent up for Concurrence.

The Bill intitled, *An Act for ascertaining the Number of the House of Representatives*.

Read a second Time.

Jonathan Dowse Esq; brought down from the Honourable Board, a Letter

from Mr. Agent *Wilkes*, Dated the 13th. of *February*, 1730-1. Pass'd in Council, *viz.* In Council, *March* 29. 1731. Read and sent down.

Read.

A Petition of *Jacob Houghton* and others, Inhabitants of the *Northeasterly* part of the Town of *Lancaster*, praying, That they may be incorporated into a distinct and separate Township, agreeable to the Bounds therein mentioned, and if the Court see not sufficient Reason so to do, that a Committee may be sent to View the Land petitioned for, and the Circumstances of the Petitioners, for Reasons mentioned. Read, and

Ordered, That the Committee appointed to consider of the Petition of *Jonas Houghton* and others, (entred the 29th. of *December* last) be a Committee to repair to the Land petitioned for, carefully View and Consider the Situation thereof, and the Circumstances of the Petitioners (giving seasonable Notice of their coming) and Report their Opinion what may be proper for this Court to do in Answer to this Petition, at their Session in *May* next; The Charge to be born as this Court shall Order.

Sent up for Concurrence.

A Petition of *John Beman* and Ten others, Inhabitants of the *Southwest* part of the *Northeast* Quarter of the old Township of *Lancaster*, praying, That they and their Estates (agreeable to the Bounds therein mentioned) may be continued to the old Town of *Lancaster*, the Petition of the *Northeasterly* part of the said Town notwithstanding, for Reasons mentioned. Read, and

Ordered, That the Committee appointed to view and consider of the Petition of *Jacob Houghton* and others, Inhabitants of the *Northeasterly* part of the Town of *Lancaster*, be a Committee to repair to the Land herein mentioned, view and consider the Situation thereof, and the Circumstances of the Petitioners, (giving seasonable Notice of their coming) and Report their Opinion what may be proper for this Court to do in Answer thereto, at their Session in *May* next; The Charge to be born as this Court shall Order.

Sent up for Concurrence.

The Petition of *Zechariah Trescot*, praying as entred the 23d. Instant. Pass'd in Council, *viz.* In Council, *March* 27. 1731. Read again, together with the Answer of *Elizabeth Savage*, and the same being fully considered, *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Concurred.

Theophilus Burrel Esq; brought down from the Honourable Board the following Orders, *viz.* [97]

In Council, *March* 29. 1731.

Whereas this Court have appointed and fully impowered Commissioners to meet with Commissioners from the Government of *Rhode-Island*, and with

them to agree upon a Settlement of the Boundary Line between this Province and that Colony,

Ordered, That the major part of the Commissioners appointed by this Government, be a Quorum for Transacting the said Affair, and that the Conclusions and Determinations of such major part shall be as valid and effectual, as if all the said Commissioners should agree therein.

Sent down for Concurrence. Read and Concurred.

In Council, *March 29. 1731.*

Whereas this Court have appointed and fully impowered Commissioners to meet with Commissioners from the Government of *New-York*, and with them to agree upon a Settlement of the Boundary Line between this Province and that,

Ordered, That the major part of the Commissioners appointed by this Government, be a Quorum for Transacting the said Affair, and that the Conclusions and Determinations of such major part shall be as valid and effectual, as if all the said Commissioners should agree therein.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Martis Die 30. Martij, A. D. 1731.

AN Ingross'd Bill intituled, *An Act fully empowering Commissioners to determine the Bounds between this His Majesty's Province of the Massachusetts-Bay, and the Province of New-Hampshire.*

Read, and pass'd to be Enacted.

The Bill intituled, *An Act establishing the Pay of sundry Officers, Soldiers, and others in His Majesty's Service within this Government.*

Read and Non-concurred.

Samuel Thaxter, Spencer Phipps and William Dudley Esqrs. came down with a Message from the Honourable Board, to inquire whether the House have pass'd on the Bill for Establishments.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That the Members that have been absent this Week hitherto be excused.

The Bill intituled, *An Act establishing the Pay of sundry Officers, Soldiers, and others in the Pay of this Government;* and the Vote of Council thereon, Read again and Non-concurred, and the House adhere to the Bill as by them amended. Sent up for Concurrence by Mr. *Lynde* and Mr. *Bird*. [98]

Agreeable to the Order of the Day, the Bill intituled, *An Act providing a Support for His Excellency JONATHAN BELCHER Esq; His Majesty's Captain General, and Governour in Chief, in and over this His Majesty's Province of the Massachusetts-Bay.* Read a second Time, and a long Debate had thereon.

A Bill intituled, *An Act for Payment of the Members of His Majesty's Council, and the Representatives serving in the late General Court or Assembly, from the fourteenth of October last past to the Dissolution thereof, and of the Members aforesaid serving in this Court to the end of the present Session.*

Read three several Times, and pass'd to be Ingross'd.

Sent up for Concurrence by Mr. *Wolcot* and Mr. *Pynchon*.

Symonds Epes Esq; brought down from the Honourable Board, the Bill for establishing the Pay of sundry Officers, Soldiers and others in the Pay of this Government.

The Bill intituled, *An Act for supplying the Treasury with the Sum of Twenty Thousand Pounds in Bills of Credit on this Province, and for the issuing and disposing thereof, agreeable to the Direction in the Royal Charter.*

Read, and committed to Mr. *Welles*, Mr. *Lynde*, Maj. *Chandler* and Capt. *Goddard*, to make such Amendments thereon, as they may think proper.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurij Die 31. Martij, A. D. 1731.

THe Memorial of *Susannah Smith*, a poor Widow and Relict of *Solomon Smith*, late a soldier at His Majesty's Fort *Mary*, under the Command of Capt. *James Woodside*, praying the Court to Order the said *Woodside* forthwith to pay unto her what Wages he has received on her said Husband's Accompt, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the said Capt. *Woodside* with a Copy of the Petition, that he may make Answer to the Matter of Complaint therein mentioned, on the second *Thursday* of the next *May* Session.

Sent up for Concurrence.

The Bill intituled, *An Act providing a Support for His Excellency JONATHAN BELCHER Esq; Captain General, and Governour in Chief, in and over this His Majesty's Province of the Massachusetts-Bay.* Read a third Time, and the Question put, *Whether the same pass to be Ingross'd?* And it pass'd in the Negative.

The Bill intituled, *An Act for supplying the Treasury with the Sum of Twenty Thousand Pounds in Bills of Credit on this Province, and for the issuing and disposing thereof, agreeable to the Direction in the Royal Charter.*

Read and pass'd to be Ingross'd. Sent up for Concurrence.

The Bill intituled, *An Act establishing the Pay of sundry Officers, Soldiers, and others in the Pay of this Government.* Pass'd in Council, viz. In Council, March 30. 1731. Read and concurred with the Amendments. Sent down for Concurrence. Read, and the House Non-concurred the A-[99]mendments at N & O, the others Concurred with a further Amendment of theirs, and adhere to the Bill as now amended.

Sent up for Concurrence.

An Ingross'd Bill intituled, *An Act for Payment of the Members of His Majesty's Council, and the Representatives serving in the late General Court or Assembly, from the fourteenth of October last past to the Dissolution thereof, and of the Members aforesaid serving in this Court to the end of the present Session.*

Read, and pass'd to be Enacted.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Mr. Lynde from the Committee for Petitions, reported on the Accompt of John Woods, entred the 10th. of March last. Read, accepted, and

Voted, That the Sum of Forty Pounds be allowed the Accomptant in full Discharge of said Accompt.

Sent up for Concurrence.

The Bill intituled, *An Act for ascertaining the Number of the House of Representatives.* Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

Ordered, That Mr. Wolcot go up with a Message to the Honourable Board, to inquire whether any thing was like to come down presently. Who returned he had delivered the Message, and was inform'd by Mr. Secretary, that nothing was like to come down.

Voted, That a Message be sent up to the Honourable Board, to desire them to dispatch the Affairs lying before them, that so the Court may rise this Week, if His Excellency pleases. Sent up by Capt. Gould.

Voted, That Mr. Speaker, Mr. Cooke, Mr. Welles, Mr. Lynde, Capt. Goddard, Mr. Lewis, Maj. Chandler, Mr. Bisby and Mr. Shove, be a Committee to prepare a Message to the Honourable Board, to move them to joyn in an Address to His Majesty, setting forth the Reasons why this Court have not complied with His Majesty's 27th. Instruction.

Then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Jobis Die 1. Aprilis, A. D. 1731.

In the House of Representatives, April 1. 1731.

Ordered, That the following Message be sent to the Honourable Board,
Viz.

HIS Majesty's Royal Instruction recommending to His Majesty's Council and House of Representatives, the fixing a Salary on the Governour for the time being, having been maturely considered by the House, they humbly apprehend a Compliance therewith would Disserve the true Interest of this Province in diverse Respects; at the same time willing and desirous that His Excellency the Governour may be Supported, Encouraged and Enabled to carry on the publick Affairs committed to his Charge, by making him an Ample and Honourable Grant of Money out of the publick Treasury, and suitable to the Dignity of his Station, which he cannot Receive by reason of the aforesaid Instruction; Wherefore this House esteem it the indispensable Duty of the Council and Representatives in General Court now assembled, humbly to address His Majesty, and lay before Him for His Wise and Princely Consideration, Reasons why His Majesty's said Instruction hath met with a Non-Compliance, that so his Excellency the Governour may have His Majesty's Royal Order of Leave from time to time to accept the Sum or Sums that may be granted for his Support. And what encourages this House thus to Act, was the happy Effect of an Address of both Houses to Her late Majesty Queen *Anne*, on an Instruction from Her Majesty strictly Recommending the fixing a Salary on the Governour for the time being.

Mr. *Lynde* from the Committee for Petitions, Reported on the Petition of *Silence Allen* and others, praying as entred the 2d. of *March* last. Read and accepted, and forasmuch as it may be of general Good and Benefit to have the Abuses complained of in the Petition remedied, *Voted*, That the Petitioners have leave to bring in a Bill accordingly. And the Bill provided for that Purpose having been Read, *Voted*, That the said Bill be referred for further Consideration to the second *Thursday* of the Session in *May* next. [102]

Voted, That Capt. *Robinson* be excused for his Absence.

The Report of the Committee appointed to repair to *Castle William*, pass'd in Council, *viz.* In Council, *March* 16. 1730. Read and sent

down. Read and not accepted, for that the House pass'd a Vote the 17th. of *March* last, in which Provision was projected for the effecting the Repairs within-mentioned, as also for sundry other Garrisons.

Sent up.

An Account of the Expence of the said Committee in the Service above-said. Read.

Symonds Epes Esq; brought down from the Honourable Board, the Bill for the Supply of the Treasury.

The Plan of the Gore of Land between *Taunton*, &c. the Committee's Report, and Vote of Council thereon, Read again, and the Question put, *Whether some proper Person be appointed in behalf of this Province to bring forward Writs of Ejectment against any Persons in possession of the Land within-mentioned?* And it pass'd in the Negative.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Upon a Motion made and seconded, the Question was put, *Whether the Sum of Seven Hundred and Fifty Pounds be advanced out of the publick Treasury, in order to purchase the Land and Buildings belonging to the Heirs of the late Judge Sewall, that are now under His Excellency's Improvement?* And it pass'd in the Negative.

The Message of the Forenoon from the House to the Honourable Board, sent up by Maj. *Chandler*, Mr. *Wolcot* and Mr. *Shove*.

The Bill for the Supply of the Treasury, pass'd in Council, viz. In Council, *March* 31. 1731. Read. P. M. Read a second time, and unanimously pass'd a Concurrence with the Amendments.

Sent down for Concurrence.

Read, and the Amendments at A, C, D, E, F, G & H, Non-concurred, the others concurred, and the House adhere to the Bill as now amended, with their further Amendments.

Voted, That the following Message be sent to His Excellency, viz.

May it please Your Excellency,

THIS House taking into Consideration two several Votes of the Assembly of the 23d. of *December*, 1727, and the 13th. of *December*, 1729. wherein they address'd His Honour the then Lieut. Governour and Commander in Chief, to dismiss *James Woodside*, the Commanding Officer at Fort *Mary*, from His Majesty's Service there, for Reasons then made evident to them, as his offering and vouching a false Muster-Roll, allowing Drunkenness, and other Disorders among the Soldiers, employing his Men in Fishing, abus-

ing them, and Selling their Provisions, Selling Drink, and other Disorders there enumerated, but could not then obtain his Dismission. But still he is continued in Command there, and it does not appear to this [103] House that there is yet a Reformation of those Abuses and Disorders, &c. Therefore,

Voted, That His Excellency be earnestly desired to dismiss the said *Woodside* from his Post.

Ordered, That Mr. Speaker, Mr. *Cooke*, Mr. *Welles*, Mr. *Lynde*, Capt. *Goddard*, Mr. *Lewis*, Maj *Chandler*, Mr. *Bisby* and Mr. *Shove*, be a Committee to prepare the Draught of a Message to the Honourable Board, to induce them to joyn with the House in an humble Address to His Majesty, that He would be pleased to withdraw His 16th, and 30th. Instructions to His Excellency the Governour.

Samuel Thaxter Esq; brought down from the Honourable Board, the Muster-Roll of the Company in His Majesty's Service at Castle *William*.

The Bill for Establishments, brought down from the Honourable Board this Afternoon by *Theophilus Burrel* Esq; and by them pass'd on, *viz.* In Council, *March 31. 1731.* Read, and unanimously Non-concurred, and the Board adhere to their Amendments. Sent down for Concurrence. Read, and the House Non-concurred all the Amendments, except at N, and adhered to the Bill with that and their former Amendments.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 2. Aprilis, A. D. 1731.

V*Oted*, That Mr. *Learned* have leave to go Home for the Recovery of his Health, to return as soon as that will admit of it.

— That *William Pynchon* Esq; have leave to visit his Family, to return so soon as he can.

— That Maj. *Gerrish*, Mr. *Hoyt*, Mr. *Fletcher* and Capt. *Goddard*, have leave to be absent till next *Tuesday*.

A Petition of *Samuel Jordan* of *Biddeford* in the County of *York*, praying the Court would grant him a Tract of the wild and unappropriated Land of this Province for a Farm, to compensate him for the great Damages he has sustained, as mentioned in the Petition, for Reasons therein mentioned. Read, and referred to the Session in *May* next for Consideration.

Daniel Oliver Esq; brought down from the Honourable Board a Petition of *Elijah Eastabrook* of *Lexington*, praying the Court to enable him to bring forward and prosecute an Appeal from a Judgment obtain'd against him by *James Mattock* of *Boston*, at an Inferior Court of Common Pleas held at that

Place on the first Day of *July* last past, to the Superior Court then next there to be holden, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *April* 2. 1731. Read, and

Ordered, That the Petitioner serve the adverse Party with a Copy of this Petition, that he may shew Cause (if any he have) on the first *Friday* of the [104] next *May* Session, why the prayer thereof should not be granted, and that Execution be staid in the mean time.

Sent down for Concurrence.

Read and Concurred.

A Petition of *Samuel Stevens* and others, Inhabitants of the Town of *Glocester*, praying, That the small Precinct in that Place may be a little enlarged, and the old Meeting House removed, as near to the Centre of the old Parish as may be convenient, and that a Committee may be appointed for that purpose, at the Charge of the Petitioners, &c. for Reasons mentioned. Read, and referred to the Session of this Court in *May* next, and that the Petitioners in the mean time serve the old Parish, and the *North* Parish in the said Town, with a Copy of this Petition that they may then shew Cause (if any they have) why the prayer thereof may not be granted.

Sent up for Concurrence.

Ordered, That the following Messages be sent up to the Honourable Board, *viz.*

WHereas His Excellency the Governour, on the 16th. of *December* last, sent down to the late House in General Court then convened, an Instruction from His Majesty, requiring him among other things to take especial Care, that no more than *Thirty Thousand Pounds* in Bills of Credit be ever Current at one and the same time: Which Instruction, should the Court endeavour to Act in Conformity to, the House deem it next to impossible that the necessary Charge of the Government for the future can be defrayed by His Majesty's good Subjects of this Province, there being nothing else by which their Taxes can be paid, and no other Medium for carrying on the necessary Trade and Business of the whole Province.

And on the Tenth of *March* last, sent down to the House an Instruction relating to an Act for supplying the Treasury, in which Instruction His Excellency the Governour is required to take effectual Care for the future, that no Money be raised, or Bills of Credit issued in this Province, but by Act or Acts of Assembly; in which Act or Acts one or more Clauses of Appropriation may be inserted: But that the passing all Accompts for Payment, and the issuing all Moneys so raised, or Bills of Credit be left to Our Governour or Commander in Chief of this Province, with the Advice and Consent of the Council, according to the Charter; subject nevertheless to a future Inquiry of the then present or any other Assembly, as to the Application of such Moneys.

Which Clause if comply'd with, would prevent the exercise of the just Right the Legislature have to direct the Application and Improvement of the publick Money, & greatly endamage His Majesty's good Subjects in cheerfully complying with their Duty in supporting the Government.

Upon Consideration whereof, the House esteem it absolutely necessary that His Majesty be addressed by the Honourable Board and House of Representatives, to withdraw those two Instructions, and that Mr. Speaker, Mr. *Cooke*, Mr. *Welles*, Mr. *Lewis* and Mr. *Lynde*, together with such as the Honourable Board shall appoint, be a Committee to prepare the Draught of such an Address.

Sent up for Concurrence. [105]

Ordered, That Mr. Speaker, Mr. *Cooke*, Mr. *Welles*, Mr. *Lewis* and Mr. *Lynde*, with such as the Honourable Board shall appoint, be a Committee to prepare the Draught of an Address to His Majesty, setting forth the Reasons why His Majesty's 27th. Instruction for fixing a Salary on His Governour for the time being, hath not been complied with.

Sent up for Concurrence.

Ordered, That Mr. *Wolcot* go up with a Message to the Honourable Board, to inquire whether they have done any thing on the Bills for the Supply of the Treasury, and for Establishments, since they went up last. Who returned he had delivered the Message, and was inform'd by Mr. Secretary, that they were both Non-concurred.

A Muster-Roll of the Company in His Majesty's Service at Castle *William*, under the Command of His Honour the Lieut. Governour, Captain.

Read and committed to the Committee for Petitions.

Also the Victualling Accompt of *John Larrabee*, Lieutenant of the said Castle. Read and committed.

Ordered, That Maj. *Chandler* go up with a Message to the Honourable Board, to desire they would send down the Bill for the Supply of the Treasury, and for Establishments. Who returned he had delivered the Message.

The said two Bills brought down by *Benjamin Lynde* Esq;

Mr. Secretary brought down from the Honourable Board the following Message, *viz.*

In Council, *April 2, 1731.*

Ordered, That *Benjamin Lynde* Esq; with such as shall be appointed by the Honourable House of Representatives, be a Committee to give the Thanks of this Court to the Reverend Mr. *Benjamin Colman*, for his Sermon preached Yesterday, on Occasion of the Death of Mr. *Thomas Hollis* of *London*, who has merited highly of this Government and People for his liberal Benefactions to *Harvard-College*, for the promoting of Learning and Religion in this Province; and that they desire a Copy of the said Sermon for the Press.

Sent down for Concurrence.

Also with a Message from His Excellency, directing the House to attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Excellency gave his Consent to and Sign'd sundry Acts, which when he had done, His Excellency delivered a Speech to both Houses, a Copy whereof Mr. Speaker obtain'd, and then he with the House returned to their own Chamber, and the said Speech is as follows, viz.

Gentlemen of the Council and House of Representatives,

THE Reason of my calling you together at this Time, was that the whole Legislature might be present at the giving my Assent to several Bills pass'd by you in this Session.

And I have thought fit at the same time, to say to you, Gentlemen of the House of Representatives, That it is with Concern I find the present Session [106] run out to such a length, while you have done nothing to answer the main End of your coming together.

I am fully perswaded your Proceedings in this Session can never turn out to your Advantage, or perswade the King into a favourable Opinion of your repeated Professions of Duty to Him, while He finds them in the Event to be only words of Course, and which you yourselves seem to think no Obligation upon you, and that you may at pleasure go from your own Votes and solemn Assurances.

And (among others) one plain Instance of this, which I think my self once more Obliged to mention to you, is your denial of Justice in withholding from Governour Burnet's Children what you have been so long Indebted to them.

I also take this Opportunity to tell you, that I shall always be ready to give my Consent to what may be for the Good and Welfare of this Province; and am at the same Time firmly Resolved most cautiously and strictly to conform my self to my Royal Master's Instructions, and what I now say arises from the Difficulty you make in the Supply of the Treasury, and in the Establishments of His Majesty's Garrisons in this Province. All your Attempts to do these Things otherwise than may be conformable to the King's Royal Instructions, which I have communicated to you, will be vain and fruitless.

And to give you the plainest Understanding of them, I must inform you, That for the future all Accompts of Service done for this Province, are to be brought directly to the Governour and Council, and to them only, for passing and paying.

And as to the Bills of Credit now out on this Province, they must be called in and sunk, according to the Periods and Provisions of the respective Acts by which they were issued, so that by the end of the Year 1741, all the Bills of Credit now out-standing must be paid into the publick Treasury, and what are Emitted for the future, it will be best to lay upon those Years that have the least Burthen, and the Matter must be so Ordered from time to time, as to answer the good End I have

told you, and upon the Expiration of the Year 1741, if then the Support and Service of the Government shall so require, there may be an Emission of Thirty Thousand Pounds without any Breach upon the present Instruction.

I now expect you will take speedy Care to make a proper and sufficient Supply of the Treasury for the necessary Support of the King's Government in this Province, and for the Protection and Preservation of the Inhabitants within the same. You are sensible there has been no Money in the Treasury for many Weeks past, and that it's not possible for the Government to subsist without.

The Establishment of the King's Forts and Garrisons is also of absolute Necessity, and in a particular manner that of Castle William, the last Inlistment thereof being (as you well know) now expired.

After what I have said, I think no Blame can lye at my Door as to these Things, which are of the highest Importance to His Majesty's Government, and the Safety of this People.

Gentlemen of the Council and House of Representatives,

Upon the whole, I heartily recommend to you, Harmony and Unanimity in what still remains to be done in this Session, and that you would study to approve your[107]selves to the King, in advancing His Honour and Service, and the true Welfare and Happiness of your Country.

J. BELCHER.

April 2d. 1731. Read.

Jonathan Remington Esq; came down with a Message from the Honourable Board, to inform the House, that the Board had Non-concurred the Bill for *ascertaining the Number of the House of Representatives*; and had prepared the Draught of another Bill for that purpose, which he laid on the Table.

And the said Bill intituled, *An Act in addition to the Act for ascertaining the Number and regulating the House of Representatives*. Pass'd in Council, viz. In Council, April 2. 1731. Read a first and second Time, and pass'd to be Ingross'd. Sent down for Concurrence.

Read a first Time. Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. Foster be excused for his Absence this Session hitherto.

— That Capt. Gould and Capt. Brentnal have leave to be absent till next Tuesday.

The Message of the Forenoon from the Honourable Board, referring to the Printing the Reverend Mr. Colman's Sermon preach'd Yesterday, Read and concurred, and *Ordered*, That Mr. Welles and Maj. Brattle be joyned in the Affair.

The Bill intituled *An Act in addition to the Act for ascertaining the Number and regulating the House of Representatives.* Read a second Time, and Non-concurred.

Ordered, That Maj. *Brattle* go up with a Message to the Honourable Board, to desire they would send down the Bill *for ascertaining the Number of the House of Representatives.* Who returned he had delivered the Message.

Spencer Phipps Esq; brought down the said Bill.

The following Order of Council brought down in the Forenoon by Mr. Secretary, *viz.*

In Council, *April 2. 1731.*

Ordered, That Mr. *Ebenezer Robinson*, a principal Inhabitant of the Town of *Raynham*, be, and hereby is fully Authorized and Impowered to Notify and Warn the Freeholders and other Inhabitants of the said Town, duly qualified to Vote in Town Affairs, to Assemble and Convene at some publick Place in the said Town, to Elect and Chuse all Town Officers, to stand until the Anniversary Meeting in *March* next.

Sent down for Concurrence. Read and Concurred.

Ordered, That Mr. *Welles*, Mr. *Lewis*, Mr. *Cooke*, Mr. *Lynde* and Mr. *Cushing*, be a Committee to prepare the Draught of a Bill for Supply of the Treasury, and for Establishments.

Then the House Adjourned till to Morrow Morning Ten a Clock. [108]

Sabbati Die 3. Aprilis, A. D. 1731.

V*Oetd*, That Mr. *Chapin* have leave to be Absent till *Wednesday* next.

The Bill intituled, *An Act in addition to an Act*, intituled, *An Act for ascertaining the Number and regulating the House of Representatives, made in the fourth Year of the Reign of their late Majesties King William and Queen Mary.* Read three several Times, and pass'd to be Ingross'd, as taken into a new Draught. Sent up for Concurrence.

The Petition of *John Jacob* and *Adam Cushing*, praying as entred the 1st. of *October* last, Read again, together with the Answer of *Joseph Stockbridge* and others, Agents for and in behalf of the Town of *Hannover*, and the Matter being fully considered, *Ordered*, That the said Petition be dismiss'd.

Sent up for Concurrence.

The Account of the Charge of the Committee that went to Castle *William*, entred the 1st. Instant. Read again, and

Ordered, That the Sum of *Four Pounds Seven Shillings* be paid out of the publick Treasury to the Accomptant *Thomas Fitch Esq;* by him to be paid to the respective Persons to whom the same is due, in full Discharge of said Accompt. Sent up for Concurrence.

Charles Chambers, Theophilus Burrel and Jonathan Remington, Esqrs. came down from the Honourable Board with the following Message, *viz.*

In Council, *April 3. 1731.*

Ordered, That the following Messages be sent down to the Honourable House of Representatives.

A Message from the House, Dated the 1st. Instant, having been laid before the Board, wherein the House declare their serious Consideration of His Majesty's Instruction for fixing a Salary on the Governour, and their willingness to Support His Excellency the Governour amply and honourably, and wherein they are pleased to declare it to be the indispensable Duty of the Council and House, to address His Majesty on the said Instruction, and the same being duly considered, the Board do make the following Proposal, *viz.*

If the Honourable House of Representatives, (whose privilege it is to begin Grants of Money) will by a Bill make a Grant of such Sum of Money to His Excellency the Governour for His Support in managing the Affairs of the Government for any certain limited Time, whereby this Board may exercise their Judgment, whether the same is suitable to the Dignity of his Station, ample and honourable, the Council are ready to pass upon such Bill; and on Agreement of the two Houses, are willing and desirous, and apprehend it their Duty to join with the House in addressing His Majesty for His Royal Order of Leave to His Excellency the Governour, to accept the said Grant, and others that may be so made from time to time. And it will appear reasonable to the House, to ascertain the Time for which their Grant to His Excellency may be made, if they will have Recourse to the earliest Practice under this present Form of Government, for more than Ten Years. Read.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 5. Aprilis, A. D. 1731.

William Clark Esq; came down with a Message from the Board, to know whether any thing was like to come up this Afternoon.

Voted, That Maj. Chandler have leave to visit his Family, to return as soon as he can.

— That Mr. Longley be excused for his Absence the last Week.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Martis Die 6. Aprilis, A. D. 1731.

AN Order for *Establishment of the Pay of Officers, &c. and Inlistment of Soldiers at His Majesty's Castle William.* Read, and sent up for Concurrence.

The Bill for *supplying the Treasury with the Sum of Fourteen Thousand Pounds*, as taken into a new Draught, Read three several Times, and pass'd to be Ingross'd.

Sent up for Concurrence.

Daniel Oliver Esq; brought down from the Honourable Board the Bill intituled, *An Act in addition to the Act for ascertaining the Number and regulating the House of Representatives.* Pass'd in Council, viz. In Council, April 3. 1731. Read. 4th. Read a second Time, and pass'd a Concurrence with the Amendments.

Sent down for Concurrence.

Read and Concurred.

Ordered, That Mr. Hall go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Vote of the House of the 2d. Instant, referring to His Majesty's 16th. and 30th. Instructions. Who returned he had delivered the Message, and was informed that the said Vote was Non-concurred. [110]

Ordered, That Mr. Choat go up with a Message to the Honourable Board, to inquire whether any thing was like to come down this Forenoon. Who returned he had delivered the Message, and was informed by Mr. Secretary, that something was like to come down.

Isaac Winslow Esq; brought down the Order for Establishments, &c.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Voted, That the Members that have been Absent this Week hitherto be excused.

An Accompt of *Rebecca Amory*, Administratrix of the Estate of *Mrs. Rebecca Holmes* late of *Boston*, deceased, for sundrys expended on Committees of this Court during the last and this present Session, presented for Allowance. Read.

Jonathan Dowse Esq; brought down from the Honourable Board, the Bill for Supply of the Treasury. Pass'd in Council, viz. In Council, *April* 6. 1731. Read twice and concurred with the Amendments. Sent down for Concurrence. Read and Non-concurred, and the House adhere to the Bill as first sent up.

Sent up for Concurrence.

William Clark Esq; came down with a Message from the Honourable Board, desiring to know whether any thing was like to come up this Afternoon.

Ordered, That *Mr. Cooke*, *Mr. Welles*, *Mr. Lynde*, *Mr. Lewis*, *Mr. Cushing* and *Mr. Shove*, be a Committee to prepare the Draught of an humble Address to His Majesty, setting forth the Reasons why His Majesty's 27th. Instruction for fixing a Salary on the Governour for the time being, hath not been complied with, and humbly praying, that His Majesty would be pleased to withdraw His 16th. and 30th. Instructions to His Excellency.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Mercurij Die 7. Aprilis, A. D. 1731.

V*Oted*, That *Mr. Gilbert* and *Mr. Sexton* have leave to visit their Families, to return as soon as they can.

Ordered, That *Col. Church* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Supply of the Treasury since it last went up. Who returned he had delivered the Message, and was inform'd by *Mr. Secretary*, that the Board had Non-concurred the Vote of the House thereon.

The Accompt of the Administratrix of *Mrs. Rebecca Holmes*, entred Yesterday, Read again, and the House were of Opinion that the Sum of *Thirty eight Pounds Twelve Shillings and Eleven pence*, is due to the Accomptant.

Sent up. [111]

A Petition of *Zechariah Trescot* of *Boston*, Housewright, praying the Relief of the Court in the Case, & for the Reasons therein mentioned. Read, and

Ordered, That the prayer of the Petition be so far granted, as that upon the Petitioner's giving Security to the Sheriff of the County of *Suffolk*, that in case no part of the Judgment for which he stands committed shall be abated or remitted, upon his bringing his Action of Review against the Exec-

utrix of the within-named Deceased, that then he shall forthwith pay to the said Sheriff, for the Use of the said Executrix, the within-mentioned Sum already recovered and Costs, together with the additional Costs that may arise upon the said Review: Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

The Bill for the Supply of the Treasury brought down by *Charles Chambers* Esq; pass'd in Council, *viz.* In Council, *April 6. 1731.* Read & Non-concurred, and the Board insist on their Amendments. Sent down for Concurrence. Read and Non-concurred, and the House insist on their own Vote. Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Capt. *Foster* be excused for his Absence.

Ordered, That Mr. *Wolcot* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Supply of the Treasury since it was last sent up. Who returned he had delivered the Message, and was inform'd by Mr. Secretary, that the Board had not pass'd upon it.

Ordered, That Mr. *Kent*, Mr. *Porter*, Mr. *Adams*, Col. *Church* and Mr. *Colman*, go up with a Message to the Honourable Board, to desire that they would pass upon the Bill for the Supply of the Treasury as soon as may be, that so the other Affairs now lying before the Court may be dispatched in order to the Court's rising. Who return'd he had delivered the Message.

Ordered, That Maj. *Brattle* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Supply of the Treasury since it last went up, and whether any thing was like to come down this Evening. Who returned he had delivered the Message, and was informed, that the Board had Non-concurred the Vote of the House on the said Bill, and that nothing was like to come down.

Spencer Phipps Esq; came down with a Message from the Honourable Board, to inquire whether any thing was like to come up this Evening.

Ordered, That Mr. *Cooke*, Mr. *Bisby*, Mr. *Welles*, Mr. *Lynde* & Mr. *Lewis*, be a Committee to make a Computation of the Debts of this Province already contracted, and what Sum may be necessary for Subsisting the several Forts, Garrisons, &c. within the same, until some time in *June* next, and also for contingent Charges, that so the Treasury may be supplied with such a Sum as shall be sufficient for the purposes aforesaid.

Then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Jobis Die 8. Aprilis, A. D. 1731.

VOted, That Mr. *Jonathan Adams* have leave to visit his Family, and return as soon as he can.

Mr. *Lynde* from the Committee for Petitions, Reported on the Muster-Roll of the Company in His Majesty's Service at Castle *William*. Read, Accepted, and

Ordered, That the Sum of *Three Hundred and Twenty Pounds* be allowed and paid out of the publick Treasury to the Honourable *William Tailer Esq*; Captain, and the other Officers and Soldiers born on the said Roll, in full for the Wages to them respectively due.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Petition of *David Jacob*, and sundry others, Inhabitants of the *Northerly* Precinct of the Town of *Scituate*, setting forth, That the Inhabitants of the said Precinct have lately Voted to take down their Meeting-House, and Erect the same about a Mile and Quarter from where it now stands, and are now prosecuting the same, which the Petitioners (for Reasons by them mentioned in their Petition) conceive will be very prejudicial to that Society. Praying therefore, That the Court would interpose and prevent the effecting thereof (for Reasons also mentioned) and to Order a Committee to inquire into and consider what in Justice ought to be done in the Affair before-mentioned. Pass'd in Council, *viz.* In Council, *April 8. 1731.* Read, and

Ordered, That the Petitioners serve the *Northerly* Precinct in *Scituate*, with a Copy of the Petition, that so they may shew Cause (if any they have) on the second *Friday* of the next *May* Session, why the prayer thereof should not be granted. And that all proceedings for removing the Meeting-House in said Precinct be stopped in the mean time.

Sent down for Concurrence. Read and Concurred.

Sent up. [114]

Upon a Motion made and seconded, the Question was put, *Whether the House will at this Time come upon the Consideration of an Allowance to the Heirs of the late Governour Burnet?* And it pass'd in the Negative.

Samuel Thaxter Esq; came down with a Message from the Honourable Board, to know whether any thing was like to come up presently. Who was answered by Mr. Speaker, that they would send up.

Mr. *Lynde* from the Committee for Petitions, reported on the Victualling Accompt of Lieut. *John Larrabee*, entred the 2d. Instant. Read, Accepted, and Ordered, That the Sum of *Three Pounds Eighteen Shillings and five pence*, be allowed and paid out of the publick Treasury to the Accomptant Lieut. *John Larrabee*, due to him to balance said Accompt; and that he be discharged of his Bond accordingly. And further to enable him the said *John Larrabee* to victual the said Garrison, That the Sum of *Two Hundred and Fifty Pounds* be advanced to him out of the publick Treasury; Mr. Treasurer taking Security of him for his accounting for the said Sum.

Sent up for Concurrence.

Ordered, That Mr. *Wolcot* go up with a Message to the Honourable Board, to inform them that nothing was like to come up this Afternoon. Who return'd he had delivered the Message.

Voted, That Mr. *Peck* have leave to visit his Family, to return as soon as he can.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Veneris Die 9. Aprilis A. D. 1731.

Voted, That Mr. *Washburn* have leave to go Home for the Recovery of his Health, to return as soon as that will admit of it.

A Petition of *Samuel Hazen*, and sundry others, Inhabitants of the *Westerly* and *Northwesterly* part of the Town of *Rowley*, praying, That they may be set off a separate and distinct Precinct, agreeable to the Bounds set forth in a Petition of theirs formerly exhibited to this Court, and that a Committee may be once more appointed to take a View as well of the Situation and Circumstances of the Petitioners, as of all the other part of *Byfield* Parish, and also of the whole of the old Parish in *Rowley*, and to report their Opinion, &c. for Reasons mentioned. Read, and referred for Consideration to the first *Friday* of the next *May* Session. And,

Ordered, That the Petitioners in the mean time serve the old Parish in *Rowley* and *Byfield* Parish with a Copy of the Petition, that so they may then shew Cause (if any they have) why the prayer thereof may not be granted. Sent up for Concurrence.

An Ingross'd Bill intituled, *An Act in addition to an Act*, intituled, *An Act for ascertaining the Number and regulating the House of Representatives*, (brought down by Mr. Secretary.) Read, and pass'd to be Enacted. [115]

Theophilus Burrel Esq; came down with a Message from the Honourable

Board, to know whether they might expect any thing from the House this Forenoon; and was answered by Mr. Speaker, That the House would send up.

A Bill intituled, *An Act for supplying the Treasury with the Sum of Fourteen Thousand Pounds in Bills of Credit on this Province*, Read three several Times, and pass'd to be Ingross'd, as taken into a new Draught.

Sent up for Concurrence.

A Bill intituled, *An Act establishing the Pay of sundry Officers, Soldiers, and others in His Majesty's Service within this Government*. Read three several Times, and pass'd to be Ingross'd as taken into a new Draught.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Capt. *Brigham* be excused for his Absence.

A Petition of *Withers Berry*, Representative of the Town of *Kittery*, and Agent for the lower Parish in the said Town, praying, That the Court would grant the said Parish a Sum of Money out of the publick Treasury, to enable them to build another Meeting-House there, for Reasons mentioned. Read, and in answer thereto,

Ordered, That the Sum of *Four Hundred Pounds* be allowed and paid out of the publick Treasury to the Petitioner, for the Use of the said Parish, to be improved for and towards the Building a Meeting-House there.

Sent up for Concurrence.

Ebenezer Stone Esq; came down with a Message from the Honourable Board, to desire that the House would not rise yet, there being a Message like to come down by'n'by.

In the House of Representatives, *April 9. 1731.*

Whereas there are several Expressions contained in a Sermon (now in Print) said to be preach'd at *Southborough* the 21st. of *October* last, by the Reverend Mr. *John Greenwood*, Pastor of the Church at *Rehoboth*, at the Ordination of the Reverend Mr. *Nathan Stone*, Pastor of the Church in said *Southborough*, which the House apprehend may have a Tendency to subvert the good Order of the Churches and Towns within this Province.

Voted, That Mr. *Cooke*, Mr. *Welles*, Mr. *Lynde*, Capt. *Goddard* and Mr. *Lewis*, with such as the Honourable Board shall appoint, be a Committee to consider what may be proper for this Court to do thereon, and make Report as soon as may be. Sent up for Concurrence, by Mr. *Wolcot*, Mr. *Foster* and Mr. *Fellows*.

John Turner Esq; brought down the Bill for Establishments.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

Sabbati Die 10. Aprilis, A. D. 1731.

VOted, That Mr. *Fellows* have leave to be absent the next Week.
Mr. *Tompson* and Mr. *Choat* till *Tuesday* next. [116]

A Petition of *Samuel Lawrence* of *Lexington*, praying the Court would Order, That the levying of an Execution of a Judgment obtained against him, at a Superiour Court held at *Charlstown* in *January* last, by *Nathaniel Bacon* of said *Lexington*, might be staid until such Time as the Petitioner can have an Opportunity for Relief from the said *Bacon* by due Course of Law. Read, and

Ordered, That the Petitioner serve the adverse Party, or his Attorney, with a Copy of the Petition, that so he may shew Cause on the first *Friday* of the next *May* Session, why the prayer thereof may not be granted. And that the Execution within referred to, be staid in the mean time.

Sent up for Concurrence.

Ordered, That Maj. *Brattle* go up with a Message to the Honourable Board, to inform them that the Reason why no Provision is made for contingent Charges in the Bill for the Supply of the Treasury, is because the House find by the Treasurer's Accompts, there is a Residue in his Hands of the last Supply, which they apprehend may be sufficient for that purpose.

Who returned he had delivered the Message.

Ordered, That Mr. *Wolcot* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Supply of the Treasury. Who returned he had delivered the Message, and was informed by Mr. Secretary, that they had the same under Consideration.

The Bill for Establishments, pass'd in Council, *viz.* In Council, *April* 9. 1731. Read twice, and concurred with the Amendments. Sent down for Concurrence. Read, and the Amendments at A & B, concurred, the others Non-concurred *Nemine Contradicente*, and the House adhere to the Bill as now amended. Sent up for Concurrence, by Mr. *Gatchel*, Mr. *Shove*, Mr. *Burrel*, Mr. *Lemmon* and Mr. *Bisby*.

Theophilus Burrel Esq; brought down from the Honourable Board the Bill for the Supply of the Treasury. Pass'd in Council, *viz.* In Council, *April* 9. 1731. Read. 10th. Read a second Time, and pass'd a Concurrence with the Amendments. Sent down for Concurrence.

Spencer Phipps Esq; came down with a Message from the Honourable Board, to desire that if the Treasurer's Accompts were before the House, they might be sent up. Soon after which, Mr. *Shove* went up with a Message to acquaint the Honourable Board, that those Accompts were not before the House; and returned he had delivered the Message.

Isaac Winslow Esq; brought down from the Honourable Board, the Bill

for Establishments. Pass'd in Council, *viz.* In Council, *April* 10. 1731.
Read & Non-concurred, and the Board insist on their Amendments.

Sent down for Concurrence. Read and Non-concurred.

Voted, That Mr. *Welles*, Mr. *Lewis* and Mr. *Kent*, be a Committee to prepare the Draught of a Bill for the Supply of the Treasury, and for Establishments, both to be taken into one Draught.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

B O S T O N : Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1731. [117]

VOTES

Of the House of Representatives.

Lunæ Die 12. Aprilis, A. D. 1731.

Voted, That Mr. Little, Mr. Kingsbury, Mr. Gerrish, Mr. Blake and Mr. Brentnal, be excused for their Absence.

A Bill intituled, *An Act establishing the Pay of sundry Officers, Soldiers, and others in His Majesty's Service within this Province.* And for supplying the Treasury with *Fourteen Thousand Pounds* in Bills of Credit, for the Uses hereafter in this Act expressed and declared. Read.

John Alford Esq; came down with a Message from the Honourable Board, to know whether any thing was like to come up to them from the House this Afternoon. Who was inform'd by Mr. Speaker, That nothing was like to come up.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Martis Die 13. Aprilis, A. D. 1731.

THE Bill intituled, *An Act establishing the Pay of sundry Officers, and others in His Majesty's Service within this Province;* and for supplying the Treasury with *Fourteen Thousand Pounds* in Bills of Credit, for the Uses hereafter in this Act expressed and declared. Read again, and the Question put, *Whether the Bill pass to be Ingross'd?* And it pass'd in the Negative.

Voted, That the Members that were absent Yesterday be excused.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. Rogers, Mr. Bryant, Mr. Gould and Mr. Hobson be excused for their Absence.

A Memorial of Samuel Greaves of Kingston in the Province of *New-Hampshire*, at the Request of Jeremiah Clough, (bro't down in the Forenoon by [118] Spencer Phipps Esq;) praying, in behalf of the said Clough, That the Court would give such Order for his Relief in the Affair within-mentioned, as to the Court shall seem meet, and to prevent such Actions for the future. Read, as also the following Order of Council, (bro't down at the same time) viz.

In Council, *April 13. 1731.*

Whereas this Court have at their present Session pass'd an Act for settling the Bounds between this Province and the Province of *New-Hampshire*. Therefore,

Ordered, That all Process in the Law referring to Lands, lying near the Dividing Line between the said Provinces be suspended, till the said Line be fully settled and determined, or till the further Order of this Court thereon, and all Persons are in the mean time forbidden to cut any Timber on the Lands in Controversy near the said Line; Provided the Government of *New-Hampshire* make the like Order on their part for restraining the Inhabitants of that Province.

Sent down for Concurrence.

Read and Non-concurred.

Upon a Motion made and seconded, that the House would re-consider their Vote of this Morning, on the Bill for supplying the Treasury, and for Establishments, the Question was accordingly put, and it pass'd in the Negative.

The Bill intituled, *An Act for supplying the Treasury with the Sum of Fourteen Thousand Pounds in Bills of Credit on this Province*, with the Vote of Council thereon, entred the 10th. Instant. Read and Non-concurred.

Voted, That Capt. *Kent* have leave to be absent the remainder of this Session.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurij Die 14. Aprilis, A. D. 1731.

V*Oted*, That Mr. *Abraham Adams* have leave to be absent for the remainder of the Session.

— That Mr. *Dudley* be excused for his Absence.

The Bill intituled, *An Act establishing the Pay of sundry Officers and Soldiers in His Majesty's Service and Pay of this Government, at Castle William; and for supplying the Treasury of this Province with the Sum of Twenty Thousand Pounds, for defreying the Charges of said Castle, and other Charges in the Government, as hereafter in this Act is directed*. Read three several Times, and pass'd to be Ingross'd, as taken into a new Draught. Sent up for Concurrence, by Maj. *Gerrish*, Mr. *Little*, Mr. *Dudley* and Mr. *Berry*.

An Act in addition to an Act, intituled, *An Act in further addition to the Act for encouraging the killing of Wolves, made in the fifth Year of the Reign of King William and Queen Mary*. Read a first Time.

Then the House Adjourned till Three a Clock Afternoon. [119]

Post Meridiem.

Voted, That Mr. *Fletcher* and Mr. *D'Eath* be excused for their Absence.

— That Mr. *Berry* have leave to be absent the remainder of this Session.

— That Mr. *Jacob* have leave to be absent next *Monday, Tuesday* and *Wednesday*.

A Petition of *James Hovey* of *Malden*, praying the Court to grant him a Tract of the unappropriated Lands within this Province, for the Reasons within mentioned. Read, and

Ordered, That the Petitioner be, and hereby is impowered by a Surveyor and Chainmen on Oath, to lay out Two Hundred Acres of the unappropriated Lands within this Province, and return a Plat thereof to this Court within Twelve Months for Confirmation.

Sent up for Concurrence.

The Petition of *Nathaniel Alexander* of *North-Hampton*, praying as entred the 11th. of *March* last. Read, and the Question put, *Whether the House would re-consider their Vote of that Day on the said Petition?* And it pass'd in the Negative.

Ordered, That Maj. *Brattle* go up with a Message to the Honourable Board, to know whether any thing was like to come down presently. Who returned he had delivered the Message, and was informed by Mr. Secretary, that something was like to come down.

Ordered, That Mr. *Wolcot* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Vote of the House on the 9th. Instant, referring to Mr. *Greenwood's* Sermon. Who return'd he had delivered the Message, and was inform'd by Mr. Secretary, That the Board had Non-concurred the said Vote.

Timothy Lyndal Esq; came down with a Message from the Honourable Board, to know what the House had done on the Vote of the Board referring to the Lands bordering on the Line between this Province and the Province of *New-Hampshire*, sent down Yesterday. Who was answered by Mr. Speaker, That the said Vote was Non-concurred.

Samuel Thaxter Esq; came down with a Message from the Honourable Board, to inform the House that nothing was like to come down; and to know of the House whether any thing was like to come up from them presently.

Ordered, That Mr. *Lewis* go up with a Message to the Honourable Board, to know what they have done on the Bill for Establishments, and the Supply of the Treasury. Who returned he had delivered the Message, and was informed that the Board had Non-concurred the same.

Then the House Adjourned till to Morrow Morning Ten a Clock. [120]

Jobis Die 15. Aprilis, A. D. 1731.

V*Oted*, That a Conference be had with the Honourable Board at Three a Clock this Afternoon, on the subject Matter of the Bill for the Supply of the Treasury. Sent up Yesterday, and by them Non-concurred.

Sent up for Concurrence, by Maj. *Brattle*, Maj. *Gerrish* and Mr. *Tyng*; Who were Ordered at the same time to carry up the following Message to the Honourable Board, *viz.*

WHereas this House in their present Session, have been and are very desirous to supply the Treasury with such Sums of Money as were thought proper, for the necessary Support and Defence of the Government, and for that end have spent much Time in projecting several Bills for such a Supply, in different Ways and Methods, all of which have met with a Non-concurrence at the Honourable Board, by means whereof this Session hath been lengthened out, to the great Charge and Detriment of the Province, and having Yesterday sent up a Bill which they apprehend not only agreeable to the Practice this Court have been in for diverse Years past, but also very consistent with the Royal Charter, and conducive to the Interest and Welfare of His Majesty's good Subjects of this Province, which is also Non-concurred. Now rather than leave the Treasury without a Supply, the House have proposed a Conference with the Honourable Board on the said Bill, hoping that when the Reasons inducing the Honourable Board and this House to such different Sentiments on the Supply, shall be mutually declared and duly considered, the two Houses may be happily United upon the matter in Controversy.

Ordered, That Mr. *Cooke*, Mr. *Welles*, Mr. *Lewis*, Mr. *Lynde*, Mr. *Bisby* and Mr. *Goddard*, be the Managers of the Conference on the behalf of the House.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That Mr. *Jonathan Adams* be excused for his Absence.

Ordered, That Mr. *Burrel* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Vote of the Forenoon, referring to a Conference. Who returned he had delivered the Message, and was informed by Mr. Secretary, That the Board had the same under their Consideration.

The Bill intituled, *An Act in addition to an Act*, intituled, *An Act in further addition to the Act for encouraging the killing of Wolves, made in the fifth Year of the Reign of King William and Queen Mary.*

Read a second Time.

Then the House Adjourned till to Morrow Morning Ten o' Clock, [121]

Veneris Die 16. Aprilis, A. D. 1731.

VOted, That Col. *Fullam* have leave to be absent the next Week. And Capt. *Goddard* next *Monday* and *Tuesday*.

Ordered, That Mr. *Tyng* go up with a Message to the Honourable Board, to inquire whether any thing was like to come down this Forenoon. Who returned he had delivered the Message, and was answered that they would send down.

Symonds Epes Esq; accordingly came down with a Message from the Honourable Board, to inform the House, That nothing was like to come down.

Ordered, That Mr. Speaker, Mr. *Cooke*, Mr. *Lewis*, Mr. *Welles* and Mr. *Cushing*, be a Committee in the Recess of the Court, to write an Answer to Mr. Agent *Wilks's* last Letter, and to receive such Letters as he shall send to this House, and to write to him from time to time as there shall be Occasion, and acquaint the House of their proceedings.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Bill intituled, *An Act in further addition to an Act, intituled, An Act for due Regulation of Weights and Measures, made in the fourth Year of the Reign of their late Majesties King William and Queen Mary.*

Read a first Time.

Thomas Fitch, *Samuel Thaxter* and *Spencer Phipps* Esqrs. came down from the Honourable Board with the following Message, viz.

In Council, April 16. 1731.

Ordered, That the following Message be sent down to the Honourable House of Representatives.

THE Board taking into Consideration the Message of the Honourable House, sent up Yesterday, are much surprized, that the least Blame should be cast on them for the long sitting of this Court: More especially, when the House, for the first five Weeks, although sensible there was no Money in the Treasury for the Support of the Government, did neglect to prepare and pass a Bill for the Supply of the Treasury. It is very true, the House in the latter part of this Session, pass'd and sent up several Bills for such Supply, the most of which have been concurred by the Board, with just and reasonable Amendments, and those Amendments as often rejected by the House. And whereas the House do say, They have spent much Time in projecting several Bills for such Supply in different Ways and Methods; whereby they would insinuate they have taken Pains to accomodate themselves to the Board, yet those Bills have appeared in different Shapes only, the main Matter in Controversy being the same. For the Board do agree

with the House in the *Quantum*, the Years when the Funds are laid, in the manner of levying the Taxes to answer those Funds, and the appropriating the Money the Treasury is supplied with. But the difference between the Board and the House, is relating to issuing out the Moneys which the Board [122] apprehend the House have nothing to do in, from any Clause in the Royal Charter, nor that they have any Right to allow or disallow Muster-Rolls or other Accompts of Charge after Service performed. And although this has been the Practice (as the House say) for diverse Years past, yet the Board observe this Method to be contrary to the constant and uninterrupted Practice of almost Thirty Years after the Grant of the said Royal Charter; and we are rather confirmed in our Opinion of the advantages of this long Practice, when we consider the happy Effects thereof, and the many Mischiefs and heavy Expences from the late contrary Method, which also tends to wrest from the Governour and Council, the Authority granted them by the Royal Charter, to issue Money for the Support and Defence of the Government, and the Protection and Preservation of the Inhabitants of the Province, according to such Acts as are or may be in force. And whereas the Honourable House in their Message, propose a Conference on the Bill last sent up, the Board considering the little Good that has arisen on a Conference by Committees of both Houses on one of the said Bills for a Supply, do therefore propose, That if the House will speedily prepare and pass a Bill for the Supply of the Treasury, of absolute Necessity to the Well-being of the Government, agreeable to the Powers of the Governour and Council, as well as the Privileges of the People, according to the Royal Charter, they are ready to Concur the same. Read, and

Voted, That Mr. Cooke, Mr. Lynde, Mr. Welles, Mr. Lewis, Mr. Goddard, Mr. Cushing and Mr. Shove, be a Committee to prepare the Draught of an Answer to the foregoing Message. The Committee to sit forthwith, and Report as soon as may be.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Sabbati Die 17. Aprilis, A. D. 1731.

V*Oted*, That the Members that were absent Yesterday be excused.

That Mr. *Tompson* have leave to be absent till the Afternoon of next *Tuesday*.

The Bill intituled, *An Act in further addition to an Act*, intituled, *An Act for due Regulation of Weights and Measures*. Read a second Time.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 19. Aprilis, A. D. 1731.

THeophilus Burrel Esq; brought down from the Honourable Board, a Letter from Mr. Agent *Wilkes*, Dated, *London March 12. 1730-1.* Pass'd in Council, viz. In Council, *April 19. 1731.* Read and sent down.

Read.

Then the House Adjourned till to Morrow Morning Ten o' Clock,

Martis Die 20. Aprilis, A. D. 1731.

MR. Speaker communicated a Letter which he received from Mr. Agent *Wilkes*, Dated, *London March 12. 1730-1.* Read and sent up.

The Bill intituled, *An Act in further addition to an Act*, intituled, *An Act for the Regulation of Weights and Measures.*

Read a third Time and past to be Ingross'd. Sent up for Concurrence, by Mr. Rolfe.

The Bill intituled, *An Act in addition to an Act*, intituled, *An Act in further addition to the Act for encouraging the killing of Wolves, made in the fifth Year of the Reign of King William and Queen Mary.*

Read a third Time, and the Question put, *Whether the same should pass to be Ingross'd?* And it pass'd in the Negative.

Mr. Cooke from the Committee appointed to prepare the Draught of an Answer to the Message from the Board on *Friday* last, Reported, Read, Accepted, and

Ordered, That the following Message be sent up to the Honourable Board, viz.

IT is very affecting to the House, that they find themselves necessitated by the Message from the Honourable Board of the 16th Instant, to enter into a particular Consideration of the Difficulties they have met with from the Board in the present Session, concerning the Supply of the Treasury, lest they should be constrained to say something grievous and displeasing; [124] the House being very sensible that it is of great Importance to the Welfare of the Province, that there should be Harmony and a good Understanding between the Honourable Board and them; And this they cannot but think the House's last, respectful, short and gentle Message on this Subject is an Evidence of; and therefore hope, if any thing not so pleasing should be said

in this Message, it will be imputed to the Nature and Circumstances of the Particulars we are led to consider of, by the aforesaid Message from the Board, and the concern the House are under for the publick Safety, in a matter of such great Consequence. And it is something wonderful therefore, that the Board should call the Care and Caution with which the House have proceeded to supply the Treasury, a Neglect, and represent their delaying it for some little time, as a Fault; when the House was for almost all that Time earnestly endeavouring an Act for the Support of His Excellency the Governour, by which, they had not been hindred from the Supply so long, if they had not met with great Obstructions and Difficulties from the Board in that matter.

However, notwithstanding the House had the Consideration of that Affair during that Time, they did not omit to inquire into the Circumstances of the Treasury, which they found indeed empty; but also found that it was in a considerable measure empty'd by illegal Draughts made by Advice of the Honourable Board, directly against the most express Words as well as true Intent and Meaning of the Act whereby the Treasury was supplied: And therefore it was, that the House came into a Message by way of Remonstrance on the 9th. of last Month, to which the House have had, to this Day, no Answer, nor any Redress of the Grievances they complained of, by reason of such considerable Sums mis-applied. This notwithstanding after some time of waiting for Answer or Redress, the House though they received neither (not willing the Province should suffer for want of Money, as it lately had by the Mis-application of it) came into a Bill for supplying the Treasury; And it is most certain that they have in the several Bills they have pass'd for that End, studiously endeavoured to accommodate themselves to the Honourable Board as far as they possibly could, consistent with the publick Safety. They have indeed been unwilling that the Treasury should be subjected to the absolute Will and Pleasure of any Order of Men, how high and honourable soever, and can the House be blamed if they are desirous there should be the usual Securities, when their late Experience, as well as the Nature and Reason of the Thing excite them to it, and make it necessary? Must it not be an Hardship, that the House who raise the publick Money, and whose Constituants pay it, should neither allow those things for which the Money is drawn out, nor when it is drawn out by Advice of the Board, how unjustly soever, be under any possibility of Redress, or obtaining that it be refunded? It is well known that a Parliamentary Impeachment is the ancient Remedy in Mis-applications, in our Mother Country; but there are no Judges stated here, for such a Method of Redress for us. May we, or rather must we not say, That the Honourable Board are constraining us to lay the Treasury open, without knowing how the Money goes. unless it be when it

is too late, and our Knowledge will only serve to aggravate our Distress and Perplexity, or else to grant no Supply, and so leave the Government defenceless, and put the Province into the greatest Danger? As to what the Honourable Board say of the constant and uninterrupted Practice for almost Thirty Years, after the Grant of the [125] Royal Charter, the House reply, It is a great Mistake, and are exceedingly surprized that the Honourable Board should be such Strangers to their own Records, in which the House find, that as soon as the Government was settled under the present Charter, Accompts were pass'd on for Payment by the House after Service performed, and common Accompts as well as Accompts of Wages and Subsistence of Soldiers now called Muster-Rolls, were not only brought Originally to the House for their Inspection and Allowance, but were also sent down for that End by the Honourable Board, and the House not only pass'd on Accompts for Payment at first, but also in every Year since down to this time, and this we are ready to prove from the Records of the General Assembly; which Practice of the House of Representatives, together with the other Proceedings of the General Court, were sent over by the Secretary from time to time, and never for the Thirty Years (the Board speak of) discountenanced by the Crown. But had it been, as is said by the Board, yet if the more loose way of supplying the Treasury was found inconvenient, and upon solemn Argument it was altered to a Method as agreeable to Charter, and more safe, ought not the Honourable Board to come into it? It is well known than an Hundred Precedents which creep in silently, and are only tolerated, are not of Force equal to One, that is formally Argued and openly Introduced, which is the present Case.

The House are concerned that the Board should suggest, there are any Attempts to wrest from them, the Authority granted by Charter, to issue Monies for the Support of the Government, and Protection of the Inhabitants. It seems very strange, that there should be any such Imputation on the House, when in their very Bills for Supply, they expresly declare, That all the Money shall be drawn out by Advice of the Council, and never pretended to make one Draught themselves on the Treasurer: And if the Method, which the House are ready to come into, directs that the Governour by Advice of Council, draw out the Money in the Treasury, by His Warrant, for Payment of such Accompts, or for such Things as the House judge to be for the publick Good, and allow of, is not the Money then drawn out according to an Act in Force, and consequently agreeable to the express Words of the Charter? And if this be as agreeable to Charter as the Method proposed by the Board, and more safe for the publick, it is very unpleasant to the House to observe, the Board have not concurred the Bill sent up for that End.

The House find most Difficulty to make Answer to what the Board say concerning the Conference, because they neither Consent to it, nor deny it; but by way of Evasion propose the House's sending up a Bill for a Supply of the Treasury, agreeable to the Powers of the Governour and Council, as well as the Priviledges of the People; which the House apprehend they have done already; and therefore the House would further propose, That the Honourable Board re-consider their Vote of Non-concurrence, and come into that Bill for the Supply, last sent up by the House; which it is supposed will be as well, as if it was new draughted, and sent up again.

Sent up by Maj. *Brattle*, Mr. *Burrel* and Mr. *Tyng*. Who returned that they had delivered the Message.

Then the House Adjourned to Three a Clock Afternoon. [126]

Post Meridiem.

VOted, That the Members that have been absent this Week hitherto be excused.

Ordered, That Maj. *Gerrish* go up with a Message to the Honourable Board, to know whether any thing was like to come down this Afternoon. Who returned he had delivered the Message, and was answered, That they would send down presently.

Symonds Epes Esq; came down with Mr. Agent's Letter to Mr. Speaker, (sent up this Morning) and to inform the House that nothing was like to come down this Afternoon.

Ordered, That Mr. *Bisby* go up with a Message to the Honourable Board, to inquire whether they had re-considered their Vote on the Bill last sent up, for the Supply of the Treasury. Who returned he had delivered the Message, and was inform'd by Mr. Secretary, That the Board had not yet done it.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

VOTES

Of the House of Representatives.

Mercurij Die 21. Aprilis, A. D. 1731.

VOted, That Mr. D'Eath, Mr. Hobson, Mr. Lynde and Mr. Fowle be excused for their Absence.

Ordered, That Maj. Brattle go up with a Message to the Honourable Board, to know whether they had re-considered their Vote on the Bill for the Supply of the Treasury, last sent up. Who returned he had delivered the Message, and was inform'd that the Question had been there put, and it pass'd in the Negative.

Mr. Agent Wilkes's Letter of the 12th. of March last, Read again.

Ordered, That Mr. Cooke, Mr. Lynde, Mr. Bisby, Mr. Lewis, Mr. Goddard and Mr. Cushing, be a Committee to prepare the Draught of a Bill for the Supply of the Treasury.

Then the House Adjourned till Four a Clock Afternoon.

Post Meridiem.

The House met, and adjourned till to Morrow Morning, Nine a Clock.

Jobis Die 22. Aprilis, A. D. 1731.

MR. Cooke from the Committee appointed Yesterday, Reported, That they had prepared the Draught of a Bill, which was intituled, *An Act for supplying the Treasury with the Sum of Six Thousand Pounds.* And the same being Read three several times, pass'd to be Ingross'd.

Sent up for Concurrence.

And, *Ordered*, That the same be accompanied with the following Message, viz.

HIS Majesty's Loyal and Dutiful Subjects, the Representatives of this Province in General Court now assembled, well knowing that our Constituents, His Majesty's good Subjects the Freeholders and other Inhabitants, reposing [128] special Trust in us, that at all times sitting here we should consult the true Interest of this Country, & endeavour what in us lies to perpetuate the invaluable Rights and Privileges the House of Representatives have been in the quiet Possession of, strictly Obliges the House to send up to the Honourable Board the following Message.

THE House taking into their most serious Consideration, the repeated Obstructions and final Denials the several Bills draughted by the House for supplying the Treasury have met with at the Honourable Board, notwithstanding the House cautiously endeavoured to make them agreeable to the Directions of the Royal Charter, safe-guarding the just and equitable, as well as accustomed Rights and Privileges the Representatives have been in the free and safe Use and Enjoyment of, respecting their examining Accompts of Monies expended in the publick Service, before presented to the Governour for Payment, by Warrant under his Hand, by and with the Advice of His Majesty's Council, on the Treasury: Wherefore the House look upon it their bounden Duty, in great faithfulness to their Principals, to make known the Reasons in a manner constraining the Assembly to comply and pass the Act for supplying the Treasury in the Way and Method they have done, left by their Silence on so important an Article, it may hereafter be urged, that the Representatives in General Court assembled, gave up the Point, respecting their Power and Privilege in inspecting Accompts as aforesaid, and conceded that such Examination by the Royal Charter was the peculiar Care of the Board, which is very far from the Sentiments of this House; and as we by consulting the Records of this Court observe, is agreeable to the fixed Opinion of preceeding Assemblies, in their early care to prevent Mis-applications of the publick Money, and their just and frequent Remonstrances made to the Honourable Board upon such their Mis-applications, earnestly moving the Board, that they would for the future forbear such inconvenient Practices. When we consider the several Bills prepared and agreed to by the House, and the many Amendments made by the Board, some of which the House could by no means agree to, humbly conceiving the said Amendments would deprive the Representatives of the just and reasonable Share they were in the enjoyment and exercise of, soon after the Arrival of the present Charter, in raising Monies and examining into the Expend thereof before Payment, which Practice hath been carefully preserved by all Assemblies to this Day: When we consider the great Care and Pains the House have taken, in endeavouring to conciliate the different Apprehensions of the Board and House on this Article, by conferring by Committees at the Instance of the House: When we consider, that after so much of the Time of this Session hath been spent, and the frequent Attempts of the House to bring this unhappy Difference to a good and secure Issue, the House earnestly moved for a Conference with the whole Board on this important Article, the Board were pleased to send a Message in answer thereto, tho' not in direct Terms denying a Conference, yet industriously avoided the same, by all which the House despair of accommodating this Controversy with the present Board. When we consider the many inconceivable Inconveniences we fear may ensue, should this Court rise and leave the Treasury

without Money, and when we consider that in all probability the Court will be kept sitting but a Day or two, and not knowing how soon they may be raised, therefore to avoid the aforesaid Inconveniences, and that the [129] Treasury may be furnished with Money for the necessary Support of this Government for the present, hoping that by an humble Application this House have agreed shall be addressed to His Most Excellent Majesty, His Loyal and Dutiful Subjects the Representatives, will not be deprived of a Privilege they humbly presume they have so just a Claim to, and which they apprehend by being continued in the practice of, will tend to the safety and flourishing Estate of this Province, this House therefore (though with much Reluctancy) have passed the present Supply of the Treasury, and sent it to the Board for their Concurrence.

Mr. *Welles* from the Committee appointed the 6th. Instant, Reported, That they had prepared the Draught of an humble Address to His Majesty, which he Read in his place, and then laid it on the Speaker's Table; and the same was accepted by the House, Sign'd by Mr. Speaker in their Name and behalf, and *Ordered*, That it should be forthwith transmitted to Mr. Agent *Wilkes* for its being presented to His Majesty as soon as may be.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Ordered, That Maj. *Brattle*, Maj. *Gerrish* and Maj. *Bowles*, carry up the Bill for the Supply of the Treasury, and the Message of the Forenoon. Who returned they had delivered the same.

An Order for establishing the Pay of the Officers, Soldiers, &c. at Castle William. Read and pass'd to be Ingross'd. Sent up for Concurrence, by Mr. *Dudley*.

Symonds Epes Esq; brought down from the Honourable Board the Bill for the Supply of the Treasury. Pass'd in Council, viz. In Council, April 22. 1731. Read twice, and unanimously concurred with the Amendment at A.

Sent down for Concurrence. Read and concurred with an Amendment.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Veneris Die 23. Aprilis, A. D. 1731.

Ordered, That Maj. *Brattle* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Supply of the Treasury, since it was last sent up; and the Order for Establishment of Officers, &c. at Castle *William*. Who returned he had delivered the Message.

An Ingross'd Bill intituled, *An Act in further addition to an Act*, intituled, *An*

Act for due Regulation of Weights and Measures, made in the fourth Year of the Reign of their late Majesties King William and Queen Mary.

Read, and pass'd to be Enacted, and sent up.

Ordered, That (upon Certificate from the Clerk of the House) there be allowed and paid out of the publick Treasury to the Honourable JOHN QUINCY Esq; Speaker, the Sum of *Four Shillings* per Diem for each Days attendance in the General Assembly, since the 16th. Day of *December* last, [130] in Consideration of his constant Application to dispatch the publick Affairs of the Province. Sent up for Concurrence.

Ordered, That the Sum of *Twenty Pounds* be allowed and paid out of the publick Treasury to the Reverend Mr. *Samuel Checkley*, for his Officiating as Chaplain to this Court, since the 16th. of *December* last.

Sent up for Concurrence.

Ordered, That the Sum of *Forty Pounds* be allowed and paid out of the publick Treasury to *Francis Foxcroft* Esq; Clerk of the House, for his Service this Session, and for his Trouble in preparing the Votes for the Press, and Certificates of the Service of the Members of the House.

Sent up for Concurrence.

Ordered, That the Sum of *Fifteen Pounds* be allowed and paid out of the publick Treasury to Mr. *Richard Hubbard*, Door-keeper to this Court, for his extraordinary Service this Session.

Sent up for Concurrence.

Ordered, That Maj. *Brattle* go up with a Message to the Honourable Board, to inquire whether any thing was like to come down this Forenoon. Who returned he had delivered the Message, and was inform'd that they had nothing before them.

Ordered, That Mr. *Wolcot* go up with a Message to the Honourable Board, to desire they would send down the Bill for Supply, and the Order for Establishment, last sent up. Who returned he had delivered the Message.

And the same were in a little time bro't down by *William Clark* Esq; And the House having Read both of them, and finding that they had been only Read in Council.

Ordered, That they should be sent up again to the Honourable Board by Maj. *Brattle*, and that he desire that they would pass upon them.

A Petition of *John Warren* of *Boston*, Miller, praying, That the Sum of *Twenty five Pounds*, which he has forfeited to the King by way of Recognizance, might be remitted, for Reasons mentioned. Read, and

Ordered, That the prayer of the Petition be so far granted, as that upon the Petitioner's paying Fees and Costs, he be discharged of his said Recognizance: Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Ordered, That Mr. *Wolcot* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Supply of the Treasury, and Order for Establishment, since they were last sent up. Who returned he had delivered the Message, and was answered that they would send down.

Theophilus Burrel Esq; brought down the Bill for Supply of the Treasury. Pass'd in Council, *viz.* In Council, *April 23. 1731.* Read and Non-concurred, and the Board insist on their own Amendment. Sent down for Concurrence. Read and Non-concurred, and the House insist on their own Vote with the Amendment at C (only.)

Sent up for Concurrence. [131]

Ebenezer Stone Esq; brought down the Order for Establishment. Pass'd in Council, *viz.* In Council, *April 22. 1731.* Read. 23d. Read again and concurred with the Amendment at A, *viz.* dele the Words, (that it be made to appear to this Court) Sent down for Concurrence.

Read.

Ordered, That Mr. *Little* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Supply of the Treasury, since it last went up. Who returned he had delivered the Message, and was inform'd by Mr. Secretary, That they had Non-concurred the same.

Mr. Secretary came down from His Excellency with the following Message, *viz.*

Gentlemen of the House of Representatives,

I*t is now three Weeks since I told you of the absolute Necessity of Establishing the King's Forts and Garrisons, and in a particular manner that of Castle William, which has always been under an especial Establishment; and for Thirty Years past never at one time for less than four Years; the Officers and Soldiers being all Voluntiers, and their Establishment expired, they have been waiting for a further Encouragement and Establishment from this Court; and should the Court rise without doing it, I expect His Majesty's Castle William will be left Naked and Defenceless, and what the ill Consequences may be of your neglecting the most important Fortress of the Province, you will do well to consider.*

J. BELCHER.

April 23d. 1731. Read.

A Bill intituled, *An Act for supplying the Treasury with the Sum of Twelve Thousand Pounds in Bills of Credit on this Province*, Read three several Times, and pass'd to be Ingross'd.

Sent up for Concurrence.

And at the same time, *Voted*, That the following Message be sent up to the Honourable Board, *viz.*

THE House (although with great Reluctancy) have come into the Bill for supplying the Treasury, herewith sent up, being constrain'd thereunto, by the Reasons contained in a Message laid before the Honourable Board Yesterday.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

Sabbati Die 24. Aprilis, A. D. 1731.

HIS Excellency's Message of Yesterday Read again, as also the Order for Establishment of Castle *William*, and the Vote of Council thereon.

Ordered, That Mr. *Wolcot* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for Supply of the Treasury. Who returned he had delivered the Message, and was informed the Board had it under their Consideration.

William Clark Esq; brought down from the Honourable Board, the Bill for Supply of the Treasury. Pass'd in Council, *viz.* In Council, *April 24. 1731.* Read twice and pass'd a Concurrence with the Amendments.

Sent down for Concurrence.

Read and Non-concurred, and the House insist on the Bill as by them sent up. Sent up for Concurrence, by Mr. *Wellington*.

Ordered, That Mr. *Rogers* go up with a Message to the Honourable Board, to inquire what they had done on the aforesaid Bill, since last sent up. Who [132] returned he had delivered the Message, and was inform'd that the Board had Non-concurred the same.

Mr. Secretary came down from His Excellency with the following Message, *viz.*

Mr. Speaker,

HIS Excellency the Governour has directed that this Great and General Court should be adjourned to Three a Clock this Afternoon; and Mr. Secretary declared, That the same was accordingly adjourned.

Post Meridiem.

A Bill intituled, *An Act for supplying the Treasury with the Sum of Six Thousand Pounds.* Read three several times, and pass'd to be Ingross'd.

Sent up for Concurrence, by Mr. *Wolcot.* And,

Ordered, That he at the same Time carry up the following Message to the Honourable Board, *viz.*

THE House (although with great Reluctancy) have come into the Bill for supplying the Treasury herewith sent up, being again constrained thereunto, by the Reasons contained in a Message laid before the Honourable Board the 22d. Instant. Who returned he had delivered the same.

Ordered, That Mr. Tyng go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Supply of the Treasury, since it went up last. Who returned he had delivered the Message, and was informed by Mr. Secretary, That they had concurred the same.

His Excellency's Message of the 23d. Instant, Read again, as also the Order for Establishment of Castle *William*, and the Vote of the Honourable Board thereon; and the House concurred with a further Amendment.

Sent up for Concurrence.

And, *Ordered*, That the following Message accompany the same, *viz.*

THE House (although with great Reluctancy) have agreed to the Amendment of the Honourable Board, on the Order for establishing Castle *William* herewith sent up, being constrained thereunto by the Reasons contained in a Message laid before the Honourable Board the 22d. Instant, inducing the House to come into the Bill for supplying the Treasury.

An Ingross'd Bill intituled, *An Act for supplying the Treasury with the Sum of Six Thousand Pounds.* Read, and pass'd to be Enacted.

Sent up by Mr. *Welles*, Mr. *Rolfe*, Mr. *Rogers* and Mr. *Dudley*.

Mr. Secretary came down from His Excellency with the following Message, *viz.*

Mr. Speaker,

HIS Excellency Orders this Honourable House to attend him in the Council Chamber. Mr. Speaker, and the House went up accordingly, and His Excellency having given his Consent to several Acts, Mr. Secretary declared, *That it was His Excellency's Order, That the Great and General Court or Assembly should be forthwith Dissolved, and that the said Court was accordingly Dissolved, and the Members thereof Discharged from any further Attendance.*

JOURNAL

Of the Honourable House of

Representatives,

Of His Majesty's Province of the

Massachusetts-Bay

IN

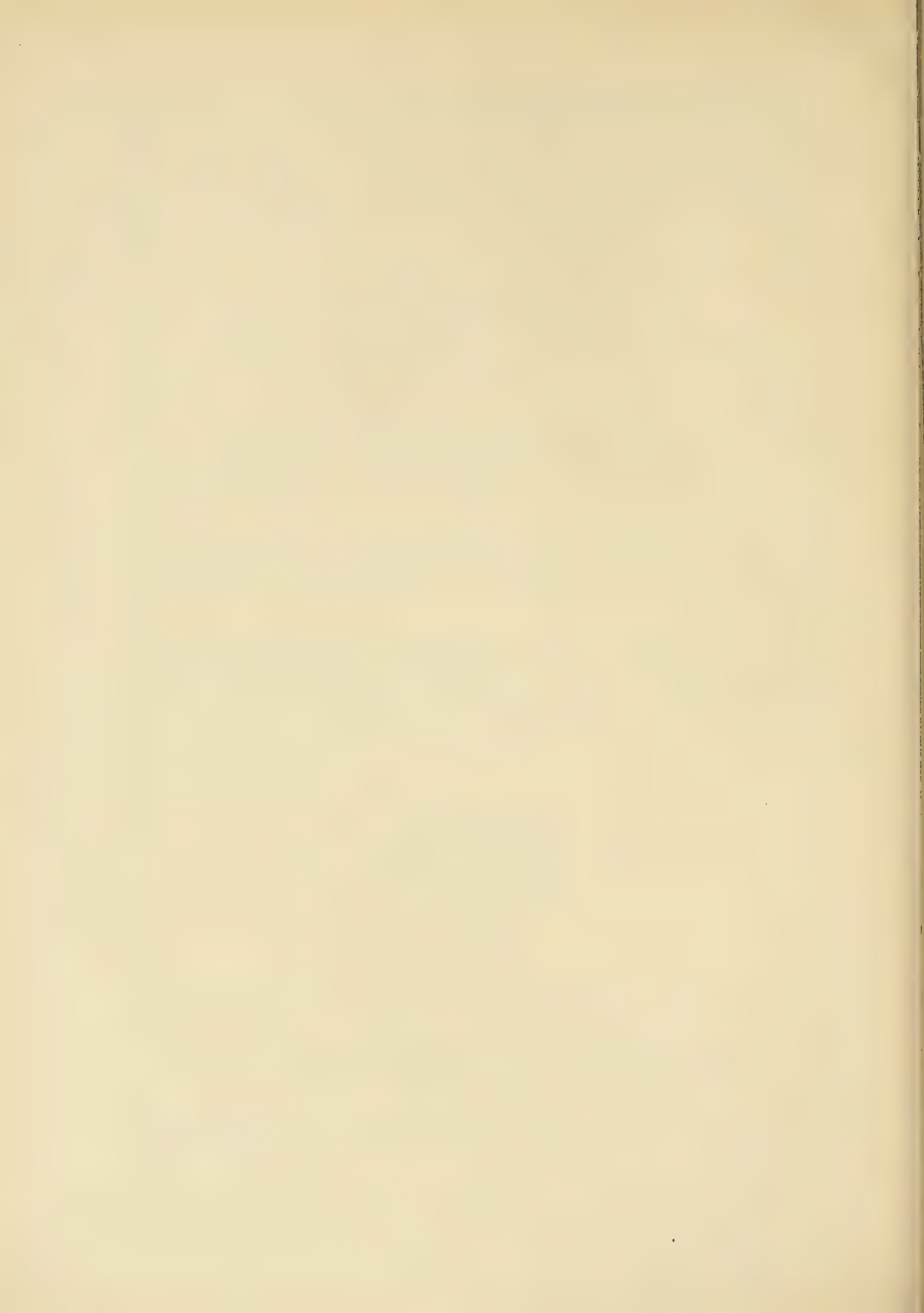
NEW-ENGLAND,

Begun and Held at *Boston*, in the County
of *Suffolk*, on *Wednesday* the Twenty Sixth
Day of *May*, Annoq; Domini, 1731.



B O S T O N :

Printed by **Thomas Fleet**, Printer to the Honourable
House of Representatives. 1731.



A
JOURNAL
Of the Honourable House of
Representatives.

At a Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* in the County of *Suffolk*, on *Wednesday* the Twenty Sixth Day of *May*, being the last *Wednesday* of the said Month, *Anno Domini*, 1731.

THE Honourable *Spencer Phipps*, *Thomas Palmer* and *John Alford* Esqrs. came down from the Council Board, and acquainted the House, that they were authorized and appointed by His Excellency the Governour, to Administer the Oaths to the Members of the House respectively required by Act of Parliament, and that the Members were accordingly directed to take the Oath of Abjuration, and subscribe the Declaration before them, as also the Oath required by the Royal Charter; which was done accordingly by all the Members present, and then the said Gentlemen withdrew.

The Writs and Precepts for the Choice of Representatives were brought into the House, and upon Examination of them, it appeared that the following Gentlemen were returned to Serve for and Represent the several Towns within this Province, *viz.*

For the County of *Suffolk*.

Boston, { The Hon. Elisha Cooke Esq;
Mr. Thomas Cushing
Mr. Ezekiel Lewis
Mr. Samuel Welles.
Roxbury, John Bowles, Esq;
Dorchester, Mr. Benjamin Bird
Milton, Mr. Ephraim Tucker
Bran- { The Honourable JOHN
trex, { QUINCY Esq; Speaker
Weymouth, Mr. Thomas White
Hingham, Mr. John Jacob
Dedham, Mr. Joseph Ellis

Medfield, Mr. Joseph Plimpton
Mendon, Capt. Thomas Thayer
Wrentham, Capt. Robert Blake
Brookline, Mr. Benjamin White
Woodstock, Maj. John Chandler
Needham, Mr. Joshua Kingsbury
Medway, _____
Sutton, Mr. Samuel Dudley
Oxford, _____
Bellingham, _____
Hull, _____
Walpole, _____
Stoughton, Mr. Moses Gill
Uxbridge, _____

The County of *Essex*.

Salem, { Daniel Epes Esq;
Benjamin Lynde Esq;
Ipswich, { Mr. Jonathan Fellows
Mr. John Choat
Newbury, Joseph Gerrish Esq;
Lynn, Capt. Ebenezer Burrel
Marblehead, Mr. Jer. Gatchel
Haverhil, Mr. Nathan Webster
Rowley, Mr. John Hobson
Salisbury, Mr. Isaac Morril
Gloucester, Mr. Samuel Stephens
Andover, Mr. Joseph Parker

Topsfield, Capt. Joseph Gould
Beverly, Mr. Henry Herrick
Wenham, Capt. William Rogers
Boxford, Capt. Joseph Hale
Bradford, Capt. Jona. Woodman
Almsbury, Capt. John Foot
Manchester, _____
Methuen, _____
Middleton, _____

The County of *Middlesex*.

Cambridge, William Brattle Esq;
Charlstown, { Mr. Stephen Hall
 { Mr. Joseph Lemmon
Watertown, Mr. Samuel Stearnes
Concord, Mr. Samuel Chandler
Newtown, Mr. Richard Ward
Sudbury, Mr. John Rice
Marlborough, Mr. John Sherman
Lancaster, Mr. James Wilder
Sherbourn, _____
Groton, Mr. John Langley
Framingham, Capt. Edward Goddard
Chelmsford, _____
Billerica, Mr. Benj. Tompson
Woburn, Capt. John Fowle
Reading, Mr. Thomas Bancroft
Malden, Mr. Jacob Wilson
Lexington, Capt. Joseph Bowman
Weston, _____
Worcester, Mr. Benjamin Flagg
Medford, Mr. Benjamin Willis
Stoneham, _____
Dunstable, _____
Dracut, _____
Littleton, _____
Stow, _____
Hopkinton, _____
Shrewsbury, _____
Westborough, _____
Leicester, _____
Southborough, _____

Westford, _____
Holliston, _____
Bedford, _____
Wilmington, _____

The County of *Hampshire*.

Springfield, Wil. Pynchon Esq;
Northampton, { The Honourable
 { John Stoddard Esq;
Hatfield, Henry Dwight Esq;
Hadley, Mr. John Nash
Westfield, Mr. John Shepard
Suffield, Capt. John Kent
Enfield, Mr. Zechariah Booth
Deerfield, _____
Northfield, _____
Brookfield, Mr. Joseph Dwight
Brimfield, Mr. Robert Moulton
Sunderland, _____

The County of *Plimouth*.

Plimouth, Mr. John Foster
Scituate, Mr. James Cushing
Marshfield, John Little Esq;
Duxbury, Capt. John Alden
Bridgewater, Capt. Isaac Johnson
Middleborough, Mr. Sam. Barrow
Rochester, Mr. John Freeman
Plimpton, Mr. Samuel Bradford
Pembroke, Mr. Elisha Bisby
Kingston, _____
Abbingdon, _____
Hanover, _____

The County of *Barnstable*.

Barnstable, Shubal Gorham Esq;
Yarmouth, Shubal Baxter Esq;
Sandwich, Ezra Bourn Esq;
Eastham, Capt. John Knowles

Harwich, Mr. Thomas Clark
Truro, _____
Chatham, _____
Falmouth, _____
Province-Town, _____

The County of *Bristol*.

Bristol, Charles Church Esq;
Taunton, Capt. Samuel Williams
Swansey, Mr. Joseph Mason Jun.
Rehoboth, Mr. Jathiel Peck
Little Compton, Thomas Church
 Esq;
Dighton, Mr. Edward Show
Tiverton, Job Almy Esq;
Dartmouth, Mr. Nath Delano
Attleborough, Capt. John Foster
Norton, Capt. Samuel Brentnal
Freetown, _____
Barrington, _____
Easton, _____
Raynham, _____

The County of *York*.

York, Mr. Richard Milbury
Kittery, Mr. Tobias Leighton
Wells, Joseph Hill Esq;
Berwick, Samuel Plaistead Esq;
Falmouth, _____
Scarborough, _____
Biddeford, _____
Arundel, _____

The County of *Dukes County*.

Edgarton, _____
Chilmark, _____
Tisbury, _____

The County of *Nantucket*.

Sherburn, George Bunker Esq;

The House proceeded to bring in their Votes for a Speaker, upon Examination whereof it appeared, that the Honourable JOHN QUINCY Esq; was chosen by a Major part of the Votes.

Then they proceeded to the Choice of a Clerk, and the Votes being collected, it appeared that *Francis Foxcroft* Esq; was chosen by a Major part thereof.

Who being sent for, came into the House, and was Sworn by *John Bowles* Esq; in Manner following, viz. [5]

WHereas you F. Foxcroft are chosen Clerk of this House, you Swear, That you will truly enter all the Votes and Orders thereof, and in all things relating to your Office will act faithfully and impartially.

So help you GOD.

Ordered, That Maj. *Chandler*, Mr. *Lemmon*, Mr. *Lynde*, Maj. *Gerrish* and Maj. *Brattle*, wait upon His Excellency the Governour, to acquaint him, That the House have made Choice of the Honourable JOHN QUINCY Esq; for their Speaker, and are ready to present him to His Excellency for his Approbation. Who returned they had delivered the Message.

Ordered, That Maj. *Chandler*, Mr. *Lemmon*, Mr. *Lynde*, Maj. *Gerrish* and Maj. *Brattle*, attend on the Honourable JOHN QUINCY Esq; up to His Excellency for his Approbation of him, as Speaker, agreeable to the Direction in the Royal Explanatory Charter; which was by them done accordingly.

Mr. Secretary brought down the following Message from His Excellency, viz.

Gentlemen of the House of Representatives,

YOU having signified to me, by a Message, your Choice of JOHN QUINCY Esq; to be your Speaker, and presented him to me for my Approbation, pursuant to the Direction of the Royal Explanatory Charter; by Virtue of the Authority given me by the said Royal Charter, I approve of him accordingly.

May 26. 1731.

J. BELCHER.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Ordered, That Col. *Stoddard*, Mr. *Welles* and Maj. *Epes*, go up with a Message to the Honourable Board, to inform them, That the House are ready to proceed to the Choice of Counsellours or Assistants, agreeable to the Direction of the Royal Charter, and that they propose to bring in their Votes first for Eighteen for the late Colony of the *Massachusetts-Bay*.

Who returned they had delivered the Message.

John Chandler Esq; came down with a Message from the Honourable Board, to inform the House, That they were ready to joyn With them in the Choice of Eighteen Counsellours for the said Colony.

Ordered, That Maj. *Chandler*, Mr. *Lynde*, Mr. *Welles*, Col. *Stoddard*, Maj. *Brattle*, Mr. *Pyncheon* and Mr. *Lemmon*, be a Committee to carry up the Votes of the House for Counsellours or Assistants, and assist in counting and sorting them, together with the Votes of the Honourable Board, and Report to the House the several Elections that shall be made. Who accordingly carried up the Votes for Eighteen Counsellours or Assistants, Inhabitants or Proprietors of Land within the Territory formerly called, the Colony of the *Massachusetts Bay*, and Reported, That Eighteen were chosen by a major part of the Votes, viz. [6]

The Honourable

<i>Benjamin Lynde Esq;</i>	<i>John Chandler Esq;</i>
<i>Thomas Hutchinson Esq;</i>	<i>William Dudley Esq;</i>
<i>Jonathan Dowse Esq;</i>	<i>William Clark Esq;</i>
<i>Paul Dudley Esq;</i>	<i>Jonathan Remington Esq;</i>
<i>Samuel Thaxter Esq;</i>	<i>John Alford Esq;</i>
<i>John Turner Esq;</i>	<i>Ebenezer Stone Esq;</i>
<i>Symond Epes Esq;</i>	<i>Joseph Wadsworth Esq;</i>
<i>Daniel Oliver Esq;</i>	<i>Thomas Cushing Esq;</i>
<i>Thomas Palmer Esq;</i>	<i>John Osborne Esq;</i>

Then the said Committee carried up the Votes for Four Counsellours or Assistants, Inhabitants or Proprietors of Land within the Territory formerly called, *New Plymouth*, and Reported, That the following Gentlemen were chosen, *viz.*

<i>Isaac Winslow Esq;</i>	<i>Seth Williams Esq;</i>
<i>Melatiah Bourn Esq;</i>	<i>Peter Thatcher Esq;</i>

Then they carried up the Votes for Three Counsellours or Assistants, Inhabitants or Proprietors of Land within the Territory formerly called, the Province of *Main*, and Reported, That the following Gentlemen were chosen, *viz.*

John Wheelwright, William Pepperel Jun. and Timothy Gerrish, Esqrs.

Then the said Committee carried up the Votes for one Counsellour or Assistant, an Inhabitant or Proprietor of Land within the Territory lying between the River of *Sagadahock* and *Nova-Scotia*, and Reported, That the following Gentleman was chosen, *viz.*

Spencer Phipps Esq;

Then they carried up the Votes for Two Counsellours or Assistants, Inhabitants or Proprietors of Land within any part of the Province, and Reported, That Two were chosen by a major part of the Votes, *viz.*

<i>Ebenezer Burrell Esq;</i>	<i>Ezekiel Lewis Esq;</i>
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Then the House Adjourned till to Morrow Morning Ten a Clock.

Jobis Die 27. May, A. D. 1731.

THE Writs and Precepts for the Choice of Representatives for the several Towns were Read again, and considered.

Ordered, That Mr. Speaker issue out a Warrant under his Hand and Seal, directed to the Select-men of the Town of *Chelmsford*, requiring them to Notify and Warn the Freeholders and other Inhabitants in the said Town duly qualified, to assemble and choose a suitable Person, being a Resident and Freeholder in that place, to Serve for and Represent them in the Great and General Court or Assembly now sitting at *Boston*, and that the said Select-men make Return of the Warrant to the House with their Doings thereon, on or before the Seventh Day of *June* next. [7]

Mr. Secretary brought down from the Council Board a List of the Gentlemen that were Yesterday elected by both Houses to be Counsellours or Assistants for the Year ensuing. Read, and

Ordered, That Maj. *Epes*, Mr. *Lynde*, Maj. *Gerrish*, Maj. *Bowles* and Maj. *Chandler*, be a Committee to wait upon His Excellency with the said List, for His Excellency's Approbation of the Persons therein-named, agreeable to the Direction in the Royal Charter.

The former Orders of the House were Read, and *Voted*, That the same be the Orders of this House during the Session and Sessions of this Court.

And,

That Mr. *Hobson*, Mr. *Mason*, Mr. *Wilson* and Mr. *Bird*, be the Monitors of the House, to see that the said Orders be well executed and kept, who for that Purpose took their several places in the House.

Ordered, That *Daniel Epes* and *Benjamin Lynde*, Jun. Esqrs. be a Committee to give the Thanks of the House to the Reverend Mr. *Samuel Fisk*, for his Sermon preach'd Yesterday before the Court; and that they desire a Copy thereof for the Press.

Mr. Secretary brought down the List of Counsellours Sign'd by His Excellency the Governour, in the Words following, *viz.*

I Consent to the Elections within mentioned.

J. BELCHER.

May 27. 1731.

Then the House Adjourned till Four a Clock Afternoon.

Post Meridiem.

Samuel Thaxter Esq; came down with a Message from His Excellency to desire that *Thomas Cushing*, *Ebenezer Burrel* and *Ezekiel Lewis*, Esqrs. who are chosen Counsellours or Assistants for this Province for the present Year,

may be sent up in order to their being Sworn, and taking their places at the Board.

Ordered, That Mr. *Lynde*, Mr. *Baxter*, Maj. *Chandler*, Maj. *Epes*, Mr. *Hall* and Mr. *Hill*, attend on the said Gentlemen to the Honourable Board.

Ordered, That Mr. Speaker issue out a Warrant under his Hand & Seal, directed to the Select-men of the Town of *Boston*, requiring them to Notify and Warn the Freeholders and other Inhabitants of their Town duly qualified, to assemble and chuse two suitable Persons, being Residents and Freeholders in the said Town, to Serve for and Represent them in the Great and General Court or Assembly now sitting in the said Town (in the room and stead of *Thomas Cushing* and *Ezekiel Lewis*, Esqrs. who on the Anniversary Day for Elections were chosen Counsellours or Assistants for this Province) and that the Select-men make Return of the Warrant with their Doings thereon to the House on or before the Second Day of *June* next.

That Mr. Speaker also issue out a Warrant to the Select-men of the Town of *Lynn*, to Notify and Warn the Freeholders and other Inhabitants of that Town qualified as aforesaid, to assemble in order to chuse a suitable Person to Represent them in the said Great and General Court, (in the room of *Eben-ezer Burrel* Esq; elected Counsellour at the time before-mentioned) Return of the Warrant with the Doings thereon, to be made to the House, on or before the Seventh Day of *June* next. [8]

Mr. Secretary came down from His Excellency with the following Message, *viz.*

Mr. Speaker,

HIS Excellency directs this Honourable House to attend him in the Council Chamber. Mr. Speaker and the House went up accordingly, and His Excellency delivered a Speech to both Houses, whereof Mr. Speaker obtain'd a Copy, and then he with the House returned to their own Chamber, and His Excellency's Speech was Read in the House, which is as follows, *viz.*

Gentlemen of the Council and House of Representatives,

THE last Assembly having sat very lately for near Eleven Weeks, might have prevented your being conven'd at this Time, had it not been in Conformity to the Royal Charter for your Anniversary Election, which being over I think this Session may be very short.

I shall sincerely rejoyce in all Opportunities you shall lay before me for the better establishing of Virtue and true Religion among us, for advancing Learning, increasing and improving such Manufactures as may serve in return for your large Importations from Great-Britain, and this would put your Trade into flourishing Circumstances, and be one way to have it supply'd with Silver and Gold, which is the best Medium for carrying it on.

As I have largely recommended to former Assemblies, so I now recommend to you a dutiful Compliance with His Majesty's 27th. Instruction, for the Support of His Governour for the time being, whereby you may reconcile your selves to the King's Favour and paternal Regards.

Gentlemen of the House of Representatives,

I have Ordered the Treasurer to lay his Accompts before you, in which you will find the last Supply wholly expended, and of this I give you the earliest Notice, that the Government may be duly supported by your seasonable Supplies of Money, and the Inhabitants of this Province thereby protected and preserved in their Lives and Estates.

I am glad that the Difficulty arising in the late Assembly with respect to the Supply of the Treasury, does not lye before you, they having made the last Supply conformable to the Royal Charter and His Majesty's Instruction, and have since sent Home an Address to His Majesty on that Subject, as to which you may in due time be expecting the Royal Pleasure.

Gentlemen of the Council and House of Representatives,

At my meeting the Assembly of New-Hampshire a few Weeks ago, I laid before them the Act pass'd here respecting the boundary Line between the Provinces, several Articles whereof they thought not reasonable to fall into, but have appointed a number of Gentlemen to meet such as you may send from this Province to confer with them, and try how near they can agree on the Heads of a Bill that may probably pass into a Law in both Governments, for compromising this long and unhappy Dispute. Their Vote for appointing this Committee shall be laid before you, and I doubt not your acting agreeable thereto.

Your prudent Dispatch of these Things will be serving your Country in the best manner, and give you the Opportunity of soon returning to your several Homes for the attending your private Affairs.

J. BELCHER.

May 27. 1731.

Read. [9]

Upon a Motion made and seconded,

Ordered, That Col. Stoddard, Mr. Lynde, Col. Church, Maj. Chandler and Mr. Fellows, be a Committee to prepare the Draught of a Bill for apportioning and assessing a Tax of ———— Thousand Pounds, on the several Towns within this Province, &c.

Voted, That the House come into the Consideration of His Excellency's Speech to Morrow in the Forenoon.

The Proportion of the several Towns within the Province to a Thousand Pounds Tax, for the Year 1727. Read, and

Voted, That the House come into the Consideration of the Proportions of the several Towns to Morrow in the Afternoon.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

Veneris Die 28. Maij, A. D. 1731.

Agreeable to the Order of the Day, the House proceeded to the Consideration of His Excellency's Speech, which was again Read, Paragraph by Paragraph; and the House took into Consideration that part thereof referring to His Majesty's 27th. Instruction, and after some Debate,

Voted, That the Consideration of that part of said Speech, be deferred till the Afternoon for further Consideration.

Also that part of said Speech referring to the Supply of the Treasury, and after some Debate thereon,

Ordered, That Mr. *Welles*, Mr. *Cooke*, Col. *Stoddard*, Mr. *Shove* and Mr. *Lynde*, be a Committee to prepare the Draught of a Bill for the Supply of the Treasury.

Ezekiel Lewis Esq; brought down from the Honourable Board, a Petition of *Joseph Putney* and sundry others, in behalf of themselves and other Inhabitants and Proprietors of Land lying between the Colony-Line & *Oxford*, praying, That the Inhabitants and Lands therein mentioned, may be erected into a separate and distinct Township, agreeable to the Boundaries set forth in the Petition, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *May* 28. 1731. Read, and

Ordered, That the Petitioners serve the Town of *Oxford* with a Copy of this Petition, that so they may shew Cause (if any they have) on the first *Fryday* of the next Session of this Court, why the Prayer thereof should not be granted.

Sent down for Concurrence. Read and Concurred.

A Petition of *Jonathan Ingersoll*, *Henry Haskell*, and others, (to the Number of one Hundred) Inhabitants of the Town of *Gloucester*, praying the Court to grant them a Tract of Land of Eight Miles square, adjoyning *Falmouth* in *Casco-Bay*, and *Pesumscot* River, for Reasons mentioned.

Read.

Upon a Motion made and seconded, the Question was put, *Whether it be convenient that a Number of Towns be opened within this Province?* And it pass'd in the Affirmative. [10]

And then, *Voted it expedient that Six Towns should be opened in order to their being settled, under such Restrictions and Limitations as the Court shall think fit?* And,

Ordered, That Mr. *Welles*, Mr. *Hobson*, Col. *Stoddard* and Maj. *Chandler*,

be a Committee to consider where it may be proper to lay out the said Towns, in what Time and under what Restrictions and Limitations, and make Report.

Spencer Phipps Esq; brought down from the Honourable Board the Report of the Committee appointed by this Court to settle the Boundary between the late Colony of *Plymouth* and the Colony of *Rhode-Island*. Pass'd in Council, *viz.* In Council, *May* 28. 1731. Read and sent down. As also a Letter from the Honourable *Joseph Jenckes* Esq; Governour of *Rhode-Island*, to His Excellency, referring to the said Boundary, which His Excellency thought proper to communicate, both of which were Read.

Paul Dudley Esq; brought down from the Honourable Board the Petition of *Samuel Hazen* and other Inhabitants of the *Westerly* and *North-Westerly* part of *Rowley*.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Ordered, That a Journal of this House during the Session and Sessions of this Court be printed, one for each Member of the House, and another for the Town he represents, and that the Representatives of the Town of *Boston*, be desired to inspect the Press.

A Plan of Three Hundred Acres of Land, granted by this Court the 9th. of *March* last, to Capt. *Andrew Robinson*, presented for Confirmation. Read, and

Ordered, That the Land within delineated and described, be, and hereby is confirmed unto the said *Andrew Robinson*, and his Assigns forever. Provided the same do not exceed the Quantity of Three Hundred Acres, nor interfere with any other or former Grant.

Sent up for Concurrence.

The Petition of *Samuel Hazen* and other Inhabitants of the *Westerly* and *North-Westerly* part of *Rowley*, entred the 9th. of *April* last, pass'd in Council, *viz.* In Council, *May* 28. 1731. Read again, together with the Answer of the first Parish of *Rowley*, and the Parish of *Byfield*, and the same being fully considered,

Ordered, That the prayer of the Petition be so far granted, as that *Symonds Epes* Esq; with such as shall be joyn'd by the Honourable House of Representatives, be a Committee (at the Petitioner's Charge) to view and consider as well the Situation and Circumstances of the Petitioners, as of the old Parish in *Rowley*, and the Parish of *Byfield*, and make Report to this Court at their next Session, what may be proper to be done on this Petition. Sent down for Concurrence. Read and Concurred: And *Ordered*, That Maj. *Bowles* and Mr. *Lemmon* be joyn'd in the Affair. Sent up.

Ordered, That Mr. *Almy* go up to the Council Board with *George Bunker* Esq; (returned to Serve for and Represent the Town of *Sherburn* in the [11] County of *Nantucket*) in order to his being Sworn, which was accordingly done, and the said Gentleman made his Excuse for his Absence this Session hitherto, which was accepted of, and then he took his place in the House.

Agreeable to the Order of the Day, the House proceeded to the Consideration of that part of His Excellency's Speech which refers to His Majesty's 27th. Instruction, and a long Debate and Consideration being had thereon,

The Question was put, *Whether a Bill be prepared for fixing a Salary on His Majesty's Governour for the time being?* And it pass'd in the Negative.

And, *Voted*, That the House come upon the Consideration of His Excellency the Governour's Support on *Tuesday* next, at Three o'Clock, Afternoon, and that the Members then attend.

Agreeable also to the Order of the Day, the House entred upon the Consideration of the Proportion of the several Towns within this Province, to a Tax of *One Thousand Pounds*, and *Voted*, That the same Proportions that were in the Year 1730, be the Proportions of the Year Current.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati Die 29. May, A. D. 1731.

V*Oted*, That the Committee appointed to repair to *North-Town* in *Turkey* Hills, upon the Memorial of *Joseph Stevens* and others, as entred the 26th. of *February* last, (who were Ordered to make Report at this present Session) have leave to bring in their Report at the next Fall Session.

Sent up for Concurrence.

An Accompt of Mr. *John Dyer*, Treasurer for the County of *Plymouth*, of Mr. *Joseph Hawley*, Treasurer for the County of *Hampshire*, of Mr. *Joseph Moody*, Treasurer for the County of *York*, of *Daniel Russel* Esq; Treasurer for the County of *Middlesex*, presented for Allowance, and were severally Read and disallowed.

An Accompt of Mr. *Samuel Howland*, Treasurer for the County of *Bristol*, presented for Allowance. Read.

The Petition of the Select-men of *Leicester* (brought down Yesterday by *Jonathan Dowse* Esq;) praying as entred the 26th. of *February* last. Read, and the Consideration thereof referred till *Wednesday* next, that so the Parties (if they see cause) may then have an Hearing.

Voted, That Col. *Stoddard*, Capt. *Goddard*, Maj. *Chandler*, Mr. *Welles* and Mr. *Lynde*, be a Committee to see what Laws are expired or near expiring, and what new ones may be necessary to be made.

Voted, That Mr. *Cooke*, Mr. *Bisby*, Maj. *Brattle*, Mr. *Shove* and Mr. *Hobson*, be a Committee for Petitions.

An Accompt of *Spencer Phipps* Esq; and others, a Committee appointed by this Court to receive the Interest Money arising to the *Indians* at *Hassanamisco*. Read, and committed to the Committee for Petitions. [12]

A Petition of *Peter Nowel*, Agent for the Town of *York*, and of the Selectmen of the said Town, praying, That the said Agent may have liberty, at the next Superiour Court of Judicature, to be holden in the County of *York*, to prosecute his Appeal from a Judgment obtain'd against him by *Francis Littlefield* and others, at an Inferior Court of Common Pleas, held in the said County, in *January*, 1730, for Reasons mentioned. Read, and

Ordered, That the Petitioners serve the adverse Parties or their Attorney with a Copy of the Petition, that so they may shew cause (if any they have) on *Thursday* the 10th. of *June* next, why the Prayer thereof may not be granted, and that Execution be stayed in the mean time.

Sent up for Concurrence.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

BOSTON: Printed by *Thomas Fleet*,
Printer to the Honourable House of Representatives. 1731. [13]

VOTES

Of the House of Representatives.

Luna Die 31. May, A. D. 1731.

A Motion being made, that the House would re-consider their Vote of *Saturday* last, on the Petition of *Peter Nowel* and others, and that the adverse Parties might have leave to give in their Answer to the said Petition, on the first *Thursday* of the next Session, the Question was accordingly put, *Whether they should have leave so to do?* And it pass'd in the Affirmative.

Sent up for Concurrence.

Upon a Motion made,

The House again took into Consideration the Accompt of *Daniel Russel* Esq; Treasurer for the County of *Middlesex*, and

Voted, That the County ought not to stand charged with the following Sums, viz. *Four Pounds two Shillings and ten Pence*, paid Mrs. *Sarah Stedman*; *Thirteen Pounds seven Shillings*, to Mr. *Aaron Cleveland*; *Eleven Pounds fourteen Shillings*, to Capt. *Samuel Long*; *Forty six Shillings*, to Mr. *Jonathan Ball*; *Nine Shillings & six pence*, to Mrs. *Sarah Long*; and *Seventy seven Pounds eight Shillings*, to *Samuel Dummer* Esq; Sheriff of the said County, (amounting in the whole to *One Hundred and Nine Pounds, Seven Shillings and four pence*) and that the remainder of the said Accompt (being *Two Hundred and Forty Nine Pounds, Nineteen Shillings and ten pence*) be allowed.

Sent up for Concurrence.

Mr. Secretary brought down the Papers referred to in His Excellency's Speech.

Read.

The Precept to the Select-men of *Boston* was returned, and upon Reading thereof, it appeared that Messieurs *Oxenbridge Thatcher* and *Thomas Cushing* were chosen to Serve for and Represent the said Town.

Ordered, That Mr. Treasurer *Allen* be directed forthwith to lay his Accompts before this House.

Then the House Adjourned till to Morrow Morning Nine a Clock. [14]

Martis Die 1. Junij, A. D. 1731.

Voted, That the Committee for Laws, prepare the Draught of a Bill in addition to, and for Explanation of the Laws for admitting of Town Inhabitants.

Ordered, That Maj. *Gerrish* go up to the Council Board with such of the

Members as have not taken the Oaths, in order to their being Sworn, which was done accordingly, and the Gentlemen took their places in the House.

Col. *Stoddard* from the Committee appointed on *Thursday* last, to prepare the Draught of a Bill for apportioning and assessing a Tax, Reported, That they had prepared a Bill, and he laid the same on the Table. And the said Bill intituled, *An Act for apportioning and assessing a Tax of ——— Pounds, and also for apportioning and assessing one other Tax of Four Thousand, One Hundred and Nine Pounds Six Shillings, paid the Representatives for the Year 1730, 31. and a further Tax of One Thousand Pounds, emitted and appropriated for the Payment of His Majesty's Council in this present Year 1731.*

Read.

Symonds Epes Esq; brought down from the Honourable Board the Petition of sundry of the Inhabitants of the Town of *Dighton*.

The Papers referred to in His Excellency's Speech, Read again.

The Memorial of the Selectmen of *Bellingham*, praying as entred the 13th. of *February* last, (which was referred for Consideration to this Session) Read again.

An Accompt of *Samuel Checkley* Esq; Treasurer for the County of *Suffolk*, presented for Allowance. Read, and disallowed.

A Petition of *Isaac Johnson* and others, Select-men of the Town of *Bridgewater*, for themselves and in behalf of the said Town, praying, That the Bridges by *Edward Howards* and *William Conats*, may be Built by the County, or otherwise as the Court shall think fit, for Reasons mentioned.

Read, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative.

The Precepts for the Towns of *Edgarton*, *Chilmark* and *Tisbury*, were returned, and upon Reading of them, it appeared that *Benjamin Smith* Esq; was elected to Serve for and Represent said *Edgarton*.

The Petition of *Samuel Hills* and others, Inhabitants of the *Westerly* part of the *West* Precinct in *Newbury*, praying as entred the 16th. of *February* last, Read again, together with the Report of *Nathaniel Coffin*, *Joseph Gerrish* and *Henry Rolfe* Esqrs. mutually chosen by said *West* Precinct to view said Parish, and to set off a suitable Parish to the new Meeting-House, and make a Dividing-line as they in their Judgments should think best, as also a Vote of the said Precinct, signifying their desire that this Court would confirm and establish the Division made by the said Gentlemen. Also a Petition of *Caleb Moody*, *Benjamin Rawlings* and others, to the Number of Four and Forty, praying, That six Families therein-named, living above the proposed Line, may (for Reasons mentioned in the Petition) be continued with the standing Parish, and the matter being fully considered, [15]

Ordered, That the prayer of the Petition be so far granted, as that the said *West Precinct* be divided into two distinct and separate Precincts according to the Bounds set forth in the before-mentioned Report, *viz.* Beginning at the *South-easterly* end of the Way that runs on the *North-easterly* side of Deacon *Thomas Chase's* Homestead where he now liveth, and running up the said Way until it comes to *Abel Merrill's* Land where he now dwells, and thence to run on the *Southerly* side of the said *Merril's* Land until it comes to the next Way which lies on the *North-easterly* side of said *Merril's* Land, and thence to run on the said Way until it comes into the *South* Way so called, and then to run up said *South* Way until it meets with the Land of Mr. *John Carr*, or Mr. *Thomas Noyes*, and thence to run a'cross to *Bradford* Road, so as to take in all the Land of the Homestead of said Mr. *John Carr* and Mr. *Thomas Noyes's* Land on the *Westerly* side of said Line, and from thence to run down the Lane called *Bailey's* Lane to *Merrimack* River, which Lane is to the *Westward* of Mr. *Joshua Bailey's* Dwelling-House. And that the Inhabitants of each Precinct be vested with the like Powers, Priviledges and Immunities, which other Precincts within this Province have, or ought by Law to enjoy.

Sent up for Concurrence.

Ebenezer Burrel Esq; brought down from the Honourable Board, the Petition of *Watertown West* Precinct.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Ordered, That Mr. *Almy* go up to the Council Board with *Benjamin Smith* Esq; in order to his being Sworn, which was done accordingly, said *Smith* made his Excuse for his Absence the Session hitherto, which the House accepted of, and then he took his place.

Joseph Wadsworth Esq; brought down from the Honourable Board the Petition of *Joseph Waters* and *Samuel Lawrance*.

Agreeable to the Order of the 28th. Instant, the House entred upon the Consideration of His Excellency the Governour's Support, and after a long Debate the Question was put, *Whether a Bill be prepared for granting the Sum of Two Thousand Four Hundred Pounds, to His Excellency JONATHAN BELCHER Esq; Captain General & Governour in Chief of this His Majesty's Province, for his past Services in the Government, and the Sum of Three Thousand Pounds for his further Support in managing the Affairs thereof till May next?* And it pass'd in the Negative.

Then the Question was put, *Whether a Bill be prepared for granting the Sum of Two Thousand Four Hundred Pounds, to His Excellency JONATHAN*

BELCHER Esq; Governour of this His Majesty's Province for his past Services, and the Sum of Three Thousand Pounds for his Support in managing the Affairs of the Government? And it pass'd in the Affirmative.

Samuel Thaxter Esq; came down with a Message from the Honourable Board, and informed that the Board desired to speak with Maj. Gerrish, who having the leave of the House, went up accordingly. [16]

A Motion being made, that Mr. Treasurer Allen and others, (who were this Day ordered to give in their Answer to the Petition of Joseph Mallinson, as entred the 18th. of March last) might have further time allowed them,

Voted, That the Matter be referred to Tuesday the 8th. Instant.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

Mercurij Die 2. Junij, A. D. 1731.

A Petition of Edward Flint and Ebenezer Hunt of Concord in the County of Middlesex, praying, That they may be Authorized and Impowered to review an Action commenced against them at the last Inferiour Court held at Cambridge, by Isaac Whitney, in behalf of Nathaniel Hapgood of Stow, for Recovery of a Debt upon Bond due from the Petitioners to the said Hapgood, at which said Court they suffered Judgment (for Reasons mentioned) to go against them by Default, and that they may serve a Writ of Review on said Hapgood notwithstanding their said Default, and that the same may be Tryed at the next Inferiour Court for the said County of Middlesex, and the Bond chancer'd down to its just Due, or otherwise relieved as to the Court shall seem meet. Read, and

Ordered, That the Petitioners serve Nathaniel Hapgood and Isaac Whitney within-named, with a Copy of the Petition, that so they may shew Cause (if any they have) on Wednesday the 9th. Instant, why the Prayer thereof should not be granted, and that Execution be stayed in the mean time.

Sent up for Concurrence.

The Petition of Mr. Anthony Caverly and others, Inhabitants of the Westerly Precinct of the Town of Watertown, entred the 3d. of March last, pass'd in Council, viz. In Council, June 1. 1731. Read again, together with the Answers of the Town of Watertown, and of the East Precinct there, and the same being fully considered, and the Parties heard thereon,

Ordered, That the prayer of the Petition be so far granted, as that the Town of Watertown be divided into two distinct Townships, and that John Chandler Esq; with such as shall be joyned by the Honourable House, be a Committee to repair as soon as may be to the Town of Watertown and view the same, and consider and report to the Court what Line they judge proper

to be stated as a Boundary between the said Two Townships; the Charges to be defreyed as this Court shall order.

Read and Non-concurred.

John Chandler Esq; brought down from the Honourable Board, two Letters from the Honourable *Joseph Jencks* Esq; Governour of the Colony of *Rhode-Island*.

Timothy Gerrish Esq; brought down the Petition of *Joseph Gardner*.

Upon reading and considering a Vote or Order of the General Assembly of the Province of *New-Hampshire* of the 7th. of *May* last, respecting the Boundary Line between that Province and this,

Ordered, That *Edmund Quincy*, *Elisha Cooke*, *William Dudley*, *Benjamin Lynde* Jun. Esqrs. and Mr. *Samuel Welles*, be a Committee in behalf of this [17] Court to meet a Committee of the Government of *New-Hampshire* at *Newbury*, on the Twenty Second Instant, (if this Court's sitting do not prevent them, and if so, the Committee to give seasonable Notice to the Gentlemen of *New-Hampshire* when they will meet them) in order to agree upon a Draught of a Bill to Impower Commissioners to settle the Boundary Line between the Two Provinces. And,

That Col. *Stoddard*, Mr. *Cushing* and Mr. *Bisby*, (with such as shall be joyn'd by the Honourable Board) be a Committee to prepare a Draught of Instructions for the Committee's Direction in the said Affair.

Sent up for Concurrence.

Ebenezer Burrel Esq; brought down from the Honourable Board, a Petition of sundry Freeholders and Inhabitants of the *Southerly* part of the Town of *Plimpton* in the County of *Plymouth*.

A Bill intituled, *An Act for granting the Sum of Five Thousand Four Hundred Pounds, for and towards the Support of His Majesty's Governour*.

Read a first Time.

A Petition of *Joseph Waters* of *Cape Fare* in *North Carolina*, praying, That he may be enabled to convey his part and Interest in a Messuage and Land in *Boston*, to his Sister *Elizabeth Carver* (named in the Petition) and that the Intailment as to the Petitioner's part and Interest of the said Estate may be utterly barred and cut off. Pass'd in Council, viz. In Council, *June 1. 1731*. Read, and

Ordered, That the prayer of the Petition be granted, and that the Petitioner be, and hereby is Impowered to convey his part and Interest in the Estate above-mentioned to his Sister *Elizabeth Carver*, the Intailment thereof by the Will of *Thomas Spaul*, deceased, or any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence.

Read and Non-concurred.

Daniel Oliver Esq; brought down from the Honourable Board, the Petition of the Merchants and others, of the Town of *Boston*.

The Petition of the Select-men of *Leicester*, pass'd in Council, *viz.* In Council, *May 28. 1731.* Read again, together with the Answer of Mr. *David Parsons*, and the same being fully considered,

Ordered, That this Petition be dismiss'd.

Sent down for Concurrence. (Which was referred for Consideration to this Day.) Read again, together with the said Answers, and the Parties being admitted into the House, were heard, and then withdrew, and the further Consideration of the said Petition was referred to the Afternoon.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Symonds Epes Esq; brought down the several Petitions referring to the great Bridge over *Charles-River* in *Cambridge*.

A Petition of *John Carver* and others, Inhabitants of the Southerly part of the Town of *Plimpton* in the County of *Plimouth*, praying, That two distinct Assemblies may be maintained among them in a general way, accor-[18]ding to a Petition of theirs to the said Town, (a Copy whereof was presented with the said Petition) or that a Committee may be sent from the Court, to consider and make Report which Line they may be divided by, in order to their being a distinct Society or Precinct, or otherwise as the Court should think fit, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *June 2d. 1731.* Read, and

Ordered, That the Petitioners serve the Town of *Plimpton* with a Copy of this Petition, that so they may shew cause (if any they have) on the second *Wednesday* of the next Session, why the Prayer thereof may not be granted.

Sent down for Concurrence. Read and Concurred.

A Bill intituled, *An Act for the better regulating of Swine.*

Read a first time.

A Bill intituled, *An Act for incouraging the killing of Wild-Cats.*

Read a first time.

Voted, That *Samuel Danforth Esq*; and Mr. *Jonas Houghton*, appointed by the Court (the 12th. of *March* last) to find out and renew the Bounds of a Farm, called *Hathorn's Farm*, lying in the Town of *North Town*, so called, (who were Ordered to make Report of their proceedings this Session) have leave to bring in their Report the next Fall Session.

The House again took into Consideration the Affair of *Leicester*, the Parties were again admitted into the House, and being fully heard, withdrew.

Then the House Adjourned till to Morrow Morning Nine a Clock.

VOTES

Of the House of Representatives.

Jobis Die 3. Junij, A. D. 1731.

A Bill intituled, *An Act for supplying the Treasury with the Sum of Ten Thousand Pounds.*

Read a first time.

The Bill for the *Support of His Majesty's Governour.*

Read a second Time.

Voted, That the Committee appointed by this Court the first of *January* last, to compromise and settle the Boundary between that part of this Province, which was formerly the Colony of *New Plimouth*, and the Colony of *Rhode Island*, be a Committee to consider what may be proper to be done by this Court with respect to the Inhabitants of this Province that border on said Boundary, and Report as soon as may be.

Sent up for Concurrence.

Voted, That Mr. *Lynde*, Capt. *Goddard*, Mr. *Cushing*, Maj. *Chandler*, Mr. *Choat*, Mr. *Shove* and Mr. *Hobson*, be a Committee to consider of the Petition of the Select-men of *Leicester*, and the Papers referring thereto, and report as soon as may be what may be proper to be done thereon.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Memorial of *Thomas Hunt* and others, in behalf of themselves and Partners, Proprietors of the Towns granted to the *Narraganset* Soldiers, &c. praying, That they may have such other and further additional Grants of Land made them suitable to their great Number, and that effectual Provision may be made for a speedy and regular Settlement thereof, for Reasons mentioned. Read, and

Ordered, That there be liberty given to the Persons to bring in their Claims to the *Narraganset* Lands, to a Committee to be appointed by this Court until the first *Wednesday* in *September* next, and that such further Grant of Land be made to the Petitioners, as that every Hundred and Twenty [20] Persons, whose Claims are or shall be allowed by this Court, may have a township of the Contents of Six Miles square, under the same Restrictions and Limitations with those already granted, and that the Committees formerly appointed to lay out the Towns for the *Narraganset* Soldiers, and for examining the Claims of the said Soldiers, be the respective Committees for performing the like

Services as above directed to, and that the Province be at the Charge of laying out the Land to be granted as above, into Tracts of Six Miles square, but not of any Subdivisions to particular Grantees.

Sent up for Concurrence.

A Petition of the Inhabitants of the Town of *Dighton*, entred the 17th. of *February* last, pass'd in Council, *viz.* In Council, *June 1. 1731.* Read again, together with the several Answers made thereunto, and the same being fully considered, *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence. Read and Concurred.

In the House of Representatives, June 3. 1731.

Resolved, That the Committee appointed by this Court for Signing Bills of Credit, be, and hereby are directed to print off and finish, in Bills of Credit on this Province (as soon as may be) the Sum of *One Thousand Pounds*, from the Plate of the lowest Denomination, to Sign and deliver the same to the Treasurer of this Province, to be exchanged for Torn and Defaced Bills, to be burnt by this Committee, taking his Receipt for the same; the said Committee to be paid for their Service as for the Bills last made.

Sent up for Concurrence.

Thomas Cushing Esq; brought down the Vote of the 2d. Instant, appointing a Committee for and in behalf of this Court to meet a Committee of the Government of *New-Hampshire*, in order to prepare a Bill to impower Commissioners to settle the Boundary Line between the two Provinces, &c. pass'd in Council, *viz.* In Council, *June 2. 1731.* Read, and Non-concurred, and

Ordered, That *Edmund Quincy* and *William Dudley*, Esqrs. with such as shall be joyned by the Honourable House, be a Committee for and in behalf of this Court, to meet a Committee of the Government of *New-Hampshire*, at *Newbury*, on the 22d. Instant, (if this Court's sitting do not prevent them, and if so, the Committee to give seasonable Notice to the Gentlemen of *New-Hampshire* when they will meet them) in order to agree upon a Draught of a Bill to Impower Commissioners to settle the Boundary Line between the Two Provinces. And,

That *Paul Dudley* and *Samuel Thaxter* Esqrs. with such as shall be joyn'd by the Honourable House, be a Committee to prepare a Draught of Instructions for the Direction of the Committee before-mentioned, in the said Affair.

Sent down for Concurrence. Read and concurred. And

Ordered, That *Elisha Cooke*, *Benjamin Lynde Jun.* Esqrs. and Mr. *Samuel Welles* be joyned with the Gentlemen of the Board before-named, appointed for the Draught of a Bill, and *John Stoddard* Esq; Mr. *Thomas Cushing* and Mr. *Elisha Bisby*, for the Draught of Instructions. [21]

A Petition of *Anthony Caverly* and others, Inhabitants of the *Westerly* Precinct of the Town of *Watertown*, praying, That the House (for Reasons therein mentioned) would again take into Consideration a Petition of theirs preferred to this Court for the said Town's being divided into two distinct Townships, & the Order of the Honourable Board thereupon, & give them an opportunity of being heard thereon before them, or that they would be pleased so far to concur with the Honourable Board, as to appoint a Committee at the Charge of the Petitioners, to view the Scituation and Circumstances of the Town, &c. Read, and

Ordered, That the prayer of the Petition be so far granted, as that a Hearing be had on the subject Matter thereof on *Tuesday* next, and that the Committee of the *East* Precinct in said Town be timely Notified, that so they may then be present, if they see cause.

The Petition of *Joseph Gardner* of *Glocester*, entred the 3d. of *March* last, pass'd in Council, viz. In Council, *June 2. 1731.* Read again, together with the Answer of *Benjamin* and *Elizabeth Studley*, in behalf of themselves and the other Heirs of *Osman Dutch* within-named, and being fully considered, *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence. Read and Concurred.

Voted, That the House come upon the Consideration of the several Petitions for demolishing the great Bridge over *Charles-River* in *Cambridge*, on *Wednesday* next.

The Bill for the better regulating of Swine. Read a second time.

Ezekiel Lewis Esq; brought down from the Honourable Board, the Petition of the *Northerly* part of *Marshfield*.

The Bill for encouraging the killing of *Wild-Cats*. Read a second time.

A Bill intituled *An Act for the better Curing and Culling of Fish*.

Read a first time.

Joseph Wadsworth Esq; came down with a Message from the Honourable Board, to know if any thing was like to come up this Evening.

A Petition of *John Askin* of *George-Town*, praying for an Allowance out of the publick Treasury, for the Reasons therein mentioned.

Read, and committed to the Committee for Petitions.

Maj. Chandler from the Committee appointed the 19th. of *March* last, to view and Survey the Land petitioned for by *Jonathan Draper*, Reported, That they had viewed and Surveyed the said Land (a Plan whereof he presented) Read, and

Ordered, That the Report be so far accepted, as that upon the Petitioner's paying into the Province Treasury the Sum of *One Hundred and five Pounds Twelve Shillings*, the Land delineated and described in the said Plan, be, and hereby is confirmed unto the said *Jonathan Draper*, his Heirs and Assigns

forever. Provided it do not exceed the Quantity of Three Hundred and Fifty two Acres, nor interfere with any other or former Grant.

Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock. [22]

Veneris Die 4. Junij, A. D. 1731.

THE Bill for the better regulating of Swine, Read a third time, and pass'd to be Ingross'd.

Sent up for Concurrence.

The Bill for Supply of the Treasury, Read a second time.

The Bill for encouraging the killing of Wild-Cats, Read a third time, and pass'd to be Ingross'd.

Sent up for Concurrence.

The Precept to the Select-men of the Town of *Falmouth* returned, and upon Reading thereof it appeared, That Mr. *John Tyng* was chosen to Serve for and Represent the said Town.

And Mr. *Almy* was Ordered to go up with said *Tyng* to the Council Chamber in order to his being Sworn.

The Bill for the better Curing and Culling of Fish, Read a second time.

The Bill for the Support of His Majesty's Governour, Read a third time, and pass'd to be Ingross'd. Sent up for Concurrence, by Maj. *Bowles*, Mr. *Lemmon*, Mr. *Little* and Mr. *Rogers*.

Ordered, That Maj. *Gerrish* go up with a Message to the Honourable Board, to desire that they would send down the Petition of sundry of the Inhabitants of *Framingham*. Who returned he had delivered the Message. And the said Petition was soon after brought down by *Thomas Cushing* Esq;

The Petition of *Samuel Lawrance*, entred the 10th. of *April* last, pass'd in Council, viz. In Council, *June 1. 1731*. Read again, together with the Answer of the Attorney of *Nathanael Bacon*, and the same being fully considered, Ordered, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Non-concurred.

And, Ordered, That the prayer of the Petition be so far granted, as that the Petitioner have leave to file his Reasons of Appeal in the Case mentioned in the Petition, in the Clerk's Office of the Inferiour Court of Common Pleas within the County of *Middlesex*, Fourteen Days before the sitting of the next Superiour Court of Judicature, to be holden within and for the said County, and the Justices of the said Superiour Court are hereby impowered and directed to Hear and Try the same, enter up Judgment, and award Execution accordingly, and that Execution be stayed in the mean time, the Judgment by Default, or any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

Agreeable to the Order of the Day, the House took into Consideration the Petition of the *Northerly*, *Westerly* and *Southerly* Inhabitants of *Framingham*, entred the 16th. of *February* last, the Parties were admitted into the House, the Petition (together with the Answer of the Select-men of the Town of *Framingham*) Read, and the Parties were fully heard, and then withdrew.

Then the House Adjourned to Three a Clock Afternoon. [23]

Post Meridiem.

A Memorial of *John Larrabee*, Lieutenant at His Majesty's Castle *William*, at the Instance and Desire of the Officers and Soldiers there, praying, That he may be enabled by an Order from this Court to make up the Pay of the said Officers in the Muster-Roll, in proportion to the Soldiers Pay, and notwithstanding the Time limited for the present Establishment is short, that a Coat may be allowed each Soldier, as a Bounty for their further Encouragement, for Reasons mentioned. Read, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative.

John Osburn Esq; brought down from the Honourable Board, a Petition of the Inhabitants of the Town of *Brimfield*, and of *Scituate North* Precinct.

The House entred upon a further Consideration of the Petition of *Framingham* Inhabitants, and after a long Debate,

Ordered, That the prayer of the Petition be granted, and that the Town of *Framingham* be divided into two distinct and separate Townships, agreeable to the following Bounds, *viz.* beginning on the *Western* side, where the Honourable *William Dudley* Esq; made his Station Line, (when he took the Plan of the said Town) and so near *South-Easterly* to the Centre of the said Town, thence running *Easterly* to *Natick* Line, leaving the House of *Ebenezer Stone* Ten Rods on the *South* side of the said Line, and that the said Towns be vested with the like Powers, Priviledges and Immunities, as other Towns within this Province have, do or ought by Law to enjoy, and that the Petitioners have leave to bring in a Bill accordingly.

Sent up for Concurrence.

Ebenezer Burrel Esq; brought down the Petition of the Inhabitants of *Gloicester*.

The Petition of some of the Inhabitants of the *Northerly* part of the Town of *Marshfield*, with most of the Inhabitants of that part of *Scituate* commonly called, *The two Mile*, entred the 3d. of *March* last, pass'd in Council, *viz.* In Council, *June 3. 1731.* Read again, together with the several Answers made thereunto, and the same being fully considered, *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence.

Read, together with all the Papers referring thereto, the Parties being admitted into the House were fully heard, and then withdrew, and the matter being duly considered, the Vote of the Honourable Board for dismissing the said Petition was Non-concurred. And

Ordered, That Mr. *Edward Shove* and Mr. *Thomas White*, with such as shall be joyn'd by the Honourable Board, be a Committee (at the Charge of the Petitioners) to repair to the Land petitioned for, carefully view and consider the Situation thereof, and the Circumstances of the Petitioners, as well as of the Town of *Marshfield*, and that part of *Scituate* called, *The two Mile*, (giving seasonable Notice to all Parties concerned, of their coming) and make Report to this Court at their next Session, what may be proper to be done in Answer thereto.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock. [24]

Sabbati Die 5. Junij, A. D. 1731.

THE Petition of sundry of the Inhabitants of *Brimfield*, (entred the 20th. and 16th. of *February* last) pass'd in Council, *viz.* In Council, *June 4. 1731.* Read again, together with the Answers made thereunto, and

Ordered, That *William Dudley*, *Jonathan Remington* and *Thomas Cushing* Esqrs, with such as shall be appointed by the Honourable House, be a Committee to consider this Petition as soon as may be, and the several Papers relating thereunto, and Report what is proper for this Court to do thereon.

Sent down for Concurrence. Read and concurred, and

Ordered, That *John Stoddard* Esq; Mr. *Edward Shove*, Mr. *Samuel Chandler*, Capt. *John Alden* and *Benjamin Lynde* Jun. Esq; be join'd in the Affair.

The Bill for *supplying the Treasury*, Read a third time, and pass'd to be Ingross'd. Sent up for Concurrence.

The Petition of sundry of the Inhabitants of the *Northerly* Precinct in the Town of *Scituate*, entred the 8th. of *April* last, pass'd in Council, *viz.* In Council, *June 4. 1731.* Read again, together with the Answer of the *Northerly* Precinct in *Scituate*, and the same being fully considered,

Ordered, That the prayer of this Petition be so far granted, as that *William Dudley* and *Ebenezer Stone* Esqrs. with such as shall be joyned by the Honourable House of Representatives, be a Committee in the Recess of this Court, to repair to the *Northerly* Precinct in *Scituate*, and view the same, and hear the Parties concerned, and Report to this Court what they judge proper to be done on this Petition; the Charges of the Committee to be born as this Court shall Order, and that in the mean time no further proceedings be made for Removal of the Meeting-House.

Sent down for Concurrence.

Read, and the Parties being admitted into the House, fully heard and withdrawn, the House concurred the Honourable Board in their foregoing Vote, with the Amendments, *viz.* Instead of, "in the Recess of the Court" *as soon as may be*, and the addition of the following words, *viz. On Friday the 18th. Instant; and*

Ordered, That *John Bowles Esq; Maj. John Chandler* and *Mr. John Foster*, be joyned in the Affair. Sent up for Concurrence.

Then the House Adjourned till *Monday* next, Six a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 7. Junij, A. D. 1731.

THE Precept to the Select-men of the Town of *Lynn* returned, and upon reading thereof, it appeared that they had made Choice of Mr. *Richard Johnson* to Serve for and Represent the said Town. Then the House Adjourned till to Morrow Morning Nine a Clock.

Martis Die 9. Junij, A. D. 1731.

THE Petition of *William Head* of *Little Compton*, entred the 19th. of *February* last, pass'd in Council, viz. In Council, *June 4. 1731.* Read again, together with the Answer of *Jonathan Head*, and the same being fully considered, unanimously *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence. Read and Non-concurred, and

Ordered, That the prayer of this Petition be granted, and that the Choice the Petitioner hath made of Mr. *William Briggs* to be his Guardian, be, and hereby is ratified and confirmed, any thing in the Will of the within-named deceased *Benjamin Head* contained, or any Law, Usage or Custom to the contrary notwithstanding, the said *William Briggs* to give sufficient Security to the Judge of Probate for the County of *Bristol*, for the faithful discharge of his Trust, and to account according to Law.

Sent up for Concurrence.

Ordered, That Mr. *Almy* go up to the Council Board, with sundry of the Members of this House that have not yet been Sworn, in order to their taking the Oaths, which was done accordingly, and the Gentlemen took their places.

The Petition of *Samuel Jordan*, praying as entred the 2d. of *April* last, (which was referred for Consideration to this Session) Read again, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative. [26]

The Bill for the better *Curing and Culling of Fish.* Read a third time, and pass'd to be Ingross'd. Sent up for Concurrence.

A Memorial of *John Giles*, Commander of His Majesty's Garrison at *St. George's River*, on behalf and at the Desire of *Papapowit*, an Indian, praying, That the said *Papapowit* may be allowed out of the publick Treasury the Sum of *Four Pounds*, as a Reward for killing a very large grown Wolfe, at or near *Sheepscote-River*, for Reasons mentioned. Read, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative.

Whereas this House think it adviseable that a Tract of Land, situate near the Reer of the House and Land belonging to the Province, where His Excellency the Governour now dwells, with the Stables and Buildings thereon, be purchased at the Charge and for the Use of the Province, to accomodate the Governour for his Coach, Chariot, Horses and Furniture, the purchase Consideration whereof will amount to *Seven Hundred and Fifty Pounds*,

Voted, That a Bill be prepared for an Emission of that Sum in Province Bills, to be issued out of the publick Treasury, to enable a Committee to purchase the aforesaid Tract of Land and Buildings, and that the Land when purchased shall be a Fund and Security for the Bills emitted, for and during the space of Ten Years next coming, and that at the Expiration of that Term, the aforesaid Sum of *Seven Hundred and Fifty Pounds* be paid in by a Tax on Polls and Estates, or the Land and Buildings further continued as a Fund and Security for calling in the Bills as the Court shall then Order, and that the Deed of the before-mentioned Land and Buildings be made to the Treasurer of this Province, the Treasurer of the County of *Suffolk*, and the Treasurer of the Town of *Boston*, and their Successors, as Trustees for and in behalf of this Province.

Sent up for Concurrence.

A Petition of *Patience Redwood* and *Joseph Whipple*, both of *Newport* in the Colony of *Rhode-Island*, Administrators of the Estate of *Abraham Redwood* late of *Salem* in the County of *Essex*, Merchant, deceased, praying, That (for Reasons mentioned in the Petition) they may be enabled to make Sale of a considerable Real Estate of the said Deceased's, lying in *Marblehead* and *Salem*. Read, and

Ordered, That the prayer of the Petition be so far granted, as that Messieurs *Richard Johnson* and *Jeremiah Gatchel*, be a Committee to repair to the Houses, Land, &c. within-mentioned, view and consider the Circumstances thereof, and make Report to this Court at their next Session.

A Petition of *Patience Redwood* and *Joseph Whipple*, both of *Newport* in the Colony of *Rhode-Island*, Administrators of the Estate of *Abraham Redwood*, late of *Salem* in the County of *Essex*, Merchant, deceased, praying, That they may be enabled to execute (upon the Terms therein mentioned) a general Release to *Joseph Boyce* and *John Boyce*, both of *Salem* aforesaid, of certain Houses and Lands some time since Mortgaged to their Intestate, for securing the Payment of a Sum of Money they were indebted to him, for Reasons mentioned, &c. Read, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative. [27]

Ezekiel Lewis Esq; brought down from the Honourable Board, the Petition of sundry of the Inhabitants of the *Northerly* Precinct in the Town of *Scituate*, entred the 5th. Instant, pass'd in Council, viz. In Council, *June 8. 1731.* Read and Concurred.

Spencer Phipps Esq; to be of the Committee in the room of *Ebenezer Stone* Esq; Sent down for Concurrence. Read and Concurred. And

Ordered, That Maj. *Brattle* be joyned in the Affair in the room of Mr. *Foster*. Sent up for Concurrence.

Mr. Secretary brought down an Ingross'd Bill, intituled, *An Act for granting the Sum of Five Thousand Four Hundred Pounds, for and towards the support of His Majesty's Governour*. Read, and pass'd to be Enacted.

A Petition of *Josiah Grover* of *Glocester*, praying for such Relief, upon the Account within-mentioned, as to the Wisdom of the Court shall seem meet. Read, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative.

A Bill intituled, *An Act to prevent Damages by unruly and ravenous Dogs*. Read a first time.

A Petition of *Stephen Williams*, Clerk, and *Isaac Colten*, Husbandman, praying the liberty of this Court to take up Two Hundred Acres in some of the unappropriated Land of this Province, in lieu of the like Quantity granted in *September, 1728*. to Capt. *Thomas Colten*, late of *Springfield*, deceased, which he by an Instrument under his Hand assigned over to the Petitioners. Read, and *Ordered*, To lie on the Table.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Pursuant to the Order of the 27th. of *May* last, return was made of the Precept to the Select-men of the Town of *Chelmsford*, & upon reading thereof it appeared, that they had made Choice of Mr. *William Fletcher* to Serve for and Represent them, with whom Mr. *Tyng* was Ordered to go up to the Council Board in order to his being Sworn.

Agreeable to the Order of the 3d. Instant, the House entred upon the Consideration of the Petition of *Anthony Caverly* and others, and the Parties being admitted into the House were fully heard, and being withdrawn, it was *Ordered*, That the said Petition and Papers referring thereto be committed to the Committee for Petitions, for their consideration, and to Report as soon as may be what may be proper for this Court to do thereon.

William Pepperel Esq; brought down from the Honourable Board the Petition of sundry of the Inhabitants in the *Westerly* part of *Taunton*.

Mr. *James Allen* being admitted into the House presented the Accompt of *Jeremiah Allen* Esq; Treasurer and Receiver General, of this His Majesty's Province, from the 27th. of *May, 1730*. to the 26th. of *May, 1731*. Also of the Indian and Peltry Trade, and the present State of the Treasury.

Voted, That Mr. Treasurer be directed forthwith to lay before the House an Accompt of the particulars of that Article in his said Accompt of *l.3807* [28]

8s. 9d. paid for Provision and other Necessaries for His Majesty's Forces, and other incidental Charges.

A Petition and Representation of the Grand-Children and Heirs of *Judith Gibbins* late of *Saco*, alias *Biddeford* in the County of *York*, deceased, praying, That a Division of the Real Estate of the said Deceased, allowed of by the Judge of Probate for the said County, and Recorded in the Registers Office may be declared Void, so far as concerns the Lands within specified, for Reasons mentioned, &c. Read.

A Petition of Capt. *Benjamin Larrabee* of Fort-George at *Brunswick*, praying the Court to grant him leave to make up his present Muster-Roll for that Garrison on the same Pay as is now allowed the Soldiers at His Majesty's Castle *William*, *Richmond*, *George's* and *Saco* Forts, for Reasons mentioned.

Read.

The Petition of *Samuel Stevens* and others, Inhabitants of the Town of *Glocester*, praying as entred the 2d. of *April* last, pass'd in Council, viz. In Council, *June 4. 1731*. Read again, together with the Answer thereto, and the same being fully considered, Ordered, That this Petition be dismiss'd.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurij Die 9. Junij, A. D. 1731.

THE Petition of *Nehemiah Randal*, praying as entred the 16th of *February* last, pass'd in Council, viz. In Council, *June 3. 1731*. Read, together with the Answer of *Samuel Sprague*, and the same being fully considered,

Ordered, That the prayer of the Petition be so far granted, as that the Petitioner be enabled to file his Complaint at the next Superiour Court of Judicature, to be held in the County of *Plymouth*, in order to obtain an Affirmation of the Judgment of the Inferiour Court of Common Pleas for the County of *Plymouth* before referred to, the said *Samuel Sprague* to have liberty to prove such Payments as have been already made towards discharging his Mortgage, and the Justices of the said Superior Court are accordingly impowered and directed to proceed herein, and to allow of such Payments as may be proved as aforesaid, in chancering the said Mortgage to the just Debt and Damage; the Petitioner to serve the said *Samuel Sprague* with a Copy of this Order at least Fourteen Days before the sitting of the said Superiour Court: Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and Concurred.

A Petition of *John Rider* of *Harwich*, Fisherman, praying an Order of this Court, that (at the next Superiour Court to be held at *Barnstable*) he may

have a new Trial of Review of an Action of the Case originally brought against him and one *Samuel Grey*, at the Superiour Court held at said *Barnstable* in *April* last, by *Jeremiah Hows* of *Province-Town*, for the Value of Six Barrels of Fish. Read, and [29]

Ordered, That the Petitioners serve the adverse Party with a Copy of the Petition, that so he may shew cause (if any he have) on the first *Thursday* of the next sitting of this Court (after a Recess) why the Prayer thereof may not be granted, and that Execution be stayed in the mean time. Sent up for Concurrence.

A Petition of *Jonas Clark*, *Joseph Underwood* and *Caleb Blogget*, in behalf of themselves and the other Subscribers, part of whom are Petitioners in a Petition called, *The addition to Naticook Farm to make it a Township*; and part belonging to a Petition called, *Amaskeeg Petition*; praying, That they may have a Tract of Land granted them for a Township, agreeable to the Bounds set forth in the Petition, and that they may have a Committee chosen among themselves, to lot out the same, and manage the Affairs thereof, for Reasons mentioned. Read.

The Memorial of several Merchants and others, of the Town of *Boston*, entred the 18th. of *March* last, which was then committed to a Committee for them to consider of, in the Recess of the Court, and Report at this Session. Read again, together with the Report of the said Committee. Pass'd in Council, viz. In Council, *June 1. 1731.* Read, and

Ordered, That this Report be accepted.

Sent down for Concurrence.

Read, and *Voted*, That the House come upon the Consideration of said Report to Morrow at Three a Clock in the Afternoon.

Pursuant to the Order of Yesterday, Mr. *James Allen* being admitted into the House, presented the Accompt of particulars, which Mr. Treasurer was directed to lay before them. Read, and

Ordered, That Mr. *Cooke*, Mr. *Cushing*, Mr. *Lynde*, Mr. *Lemmon*, Mr. *Shove*, Maj *Brattle* and Capt. *Goddard*, be a Committee to consider of the several Accompts of Mr. Treasurer *Allen*, and upon auditing the same, to Report what may be proper for the Court to pass thereon.

The Petition of *William Thayer* and sundry others, Inhabitants of the *Westerly* part of *Taunton*, entred the 17th. of *March* last, pass'd in Council, viz. In Council, *June 8. 1731.* Read again, together with the Answer of the Town of *Taunton*, and the other Papers relating thereunto, and the same being fully considered, *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Concurred.

The Petition of *Steven Richardson* and others, entred the 22d. of *October*, last. Read again.

The Bill to *prevent Damages by unruly and ravenous Dogs*. Read a second time, and committed to Capt. *Foster*, Mr. *Almy* and Mr. *Leighton*, to make such Amendments as may be thought proper.

Ordered, That Mr. *Elisha Bisby*, (for and in behalf of this Province) bring forward Writs of Ejectment against any Person or Persons in Possession of the Gore or Tract of Land lying between *Taunton*, *Rehoboth*, *Dighton* and *Norton*.

Sent up for Concurrence. [30]

Joseph Wadsworth Esq; brought down from the Honourable Board the *Vote* of the 8th. Instant, for purchasing the Land and Buildings in His Excellency's Improvement, pass'd in Council, *viz.* In Council, *June 8. 1731*. Read and concurred with the Amendment at *A*, *viz.*

Voted, *That the Sum of Seven Hundred and Fifty Pounds, be allowed and paid out of the publick Treasury, for the purchasing of the above-mentioned Tract of Land and the Buildings thereon; the Deed thereof to be made to Jeremiah Allen Esq; Treasurer of the Province; Samuel Checkley Esq; Treasurer of the County of Suffolk; and Joseph Wadsworth Esq; Treasurer of the Town of Boston; and to their respective Successors in the said Offices, as Trustees for and in behalf of the Province.*

Sent down for Concurrence.

Read and Non-concurred, and the House adhere to the Vote as by them sent up. Sent up for Concurrence.

The Petition of Capt. *Benjamin Larrabee*, praying as entred Yesterday, Read again, and

Ordered, That the prayer of the Petition be so far granted, as that the Petitioner be, and hereby is allowed to make up his present Muster-Roll, as heretofore, to the Second of *April* last, and from thence after the Rate of *Forty Shillings* per Month, for each Soldier.

Sent up for Concurrence.

Peter Thatcher Esq; brought down from the Honourable Board, the Petition of *Joseph Mallinson*, and the Papers referring thereto.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Upon a Motion made, that the House would re-consider their Vote of Concurrence with the Honourable Board, (of the 3d. Instant) for dismissing the Petition of the Inhabitants of the Town of *Dighton*, the Question was accordingly put, *Whether they would so do?* And it pass'd in the Affirmative. And

Ordered, That *John Bowles Esq*; and Capt. *John Alden*, (with such as shall be joyn'd by the Honourable Board) be a Committee at the Charge of the

Petitioners, to repair to the Town of *Dighton*, and view the River there, called, *Taunton great River*, and Report to this Court at the next Session, what may be proper to be done on the aforesaid Petition.

Sent up for Concurrence.

Thomas Cushing Esq; brought down from the Honourable Board, the Petition of *Thomas Eaton* and others, a Committee for and in behalf of the old or Southerly Precinct in *Reading*.

Voted, That Capt. *Williams* have leave to be absent the remainder of this Session.

Voted, That the Consideration of the Affair of the great Bridge over *Charles-River* in *Cambridge*, be referred till *Friday* next, Nine a Clock in the Forenoon.

A Petition of *Joseph Whipple*, praying in behalf of the Children of *Abraham Redwood* late of *Salem* in the County of *Middlesex*, deceased, That this House would re-consider their Vote of the 8th. Instant, for Negativng of a [31] Petition by him together with *Patience Redwood*, (as they are Administrators on the Estate of the said Deceased) preferred to this Court, for Reasons mentioned. Read, and the House having Voted a Re-consideration,

Ordered, That the prayer of the Petition be granted, and that the Petitioners *Patience Redwood* and *Joseph Whipple*, in their said Capacity, be, and hereby are fully Authorized and Impowered (upon the Terms mentioned in the Petition) to make and execute, in due Form of Law, Releases of the Debt within mentioned unto the within-named *Joseph* and *John Boyce*, the said Administrators giving Bond with sufficient Sureties, to the Judge of Probate for the County of *Essex*, to account upon Oath for such Estate as shall come to their Hands: Any Law, Usage or Custom, to the contrary notwithstanding. Sent up for Concurrence.

Mr. *Lynde* from the Committee to whose Consideration was referred the Petition of the Select-men of *Leicester*, Reported, Read and Accepted, and

Voted, That the same Gentlemen be a Committee to prepare the Draught of an Order or Resolve, agreeable to the said Report.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

VOTES

Of the House of Representatives.

Jobis Die 10. Junij, A. D. 1731.

VOted, That Mr. *John Foster* and Capt. *Brentnal* have leave to go Home for the Recovery of their Health, to return as soon as that will admit of it.

The Petition of *Thomas Eaton* and others, entred the 5th. of *March* last, pass'd in Council, viz. In Council, *June 9. 1731.* Read again, together with the Answer of the Town of *Wilmington*, and the same being fully considered, *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence.

The Parties being admitted into the House, were fully heard thereon, and being withdrawn, the House (having duly considered the Matter) Non-concurred the Vote of the Honourable Board, and

Ordered, That *Benjamin Lynde Jun.* and *Joseph Gerrish Esqrs.* (with such as shall be joyn'd by the Honourable Board) be a Committee (at the Charge of the Petitioners) to repair to the Land in Controversy, view the same, hear all Parties concerned, and Report to this Court at their next Session, what may be proper to be done on this Petition.

Sent up for Concurrence.

Ebenezer Burrel Esq; brought down from the Honourable Board, the Petition of *Edward Flint* and *Ebenezer Hunt.*

Mr. Secretary bro't down the following Ingross'd Bills,

One intitled, *An Act for supplying the Treasury with the Sum of Ten Thousand Pounds.*

The other intitled, *An Act for encouraging the killing of Wild-Cats.* Both Read, and pass'd to be Enacted.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

An Ingross'd Bill intitled, *An Act for the better regulating of Swine.* Read and pass'd to be Enacted. [34]

Agreeable to the Order of the Day, the House proceeded to the Consideration of the Memorial of the Merchants and others of the Town of *Boston*, the Report of the Committee, and Vote of Council thereon, (after a long Debate) and the Question was put, *Whether the House would concur with the Honourable Board in their Vote for accepting of the said Report?* And it pass'd in the Affirmative. And

Ordered, That *Elisha Cooke* Esq; and Mr. *Samuel Welles*, (with such as shall be joyn'd by the Honourable Board) be a Committee to prepare the Draught of a Bill accordingly.

Sent up for Concurrence.

Peter Thatcher Esq; brought down from the Honourable Board, the Petition of *John Rider*.

The Petition of *Edward Flint* and *Ebenezer Hunt*, entred the 2d. Instant, pass'd in Council, *viz.* In Council, *June 9. 1731*. Read again, together with the Answer of *Isaac Whitney*; and

Ordered, That the further Consideration of this Petition be referred to the first *Friday* of the next Session of this Court, and that Execution be stayed in the mean time. Sent down for Concurrence. Read and Non-concurred. And the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative; for that the Petitioners have their Remedy at the Common Law.

The Petition of *John Rider*, praying as entred Yesterday, pass'd in Council, *viz.* In Council, *June 9. 1731*. Read and concurred with the Amendment at *A, viz.* "Session of this Court."

The Petition and Representation of *John Sharpe* and others, Grand-children and Heirs of *Judith Gibbins*, praying as entred the 8th. Instant, Read again, together with a Memorial of the Committee appointed by the Honourable *John Wheelright* Esq; Judge of Probate for the County of *York*, to transact the Affair mentioned in the Petition, setting forth the Fact as represented in the said Petition, praying, That their Distribution of the aforesaid Deceased's Estate, so far as relates to the Tract of Land of Two Miles square, mentioned in the Return of their doings to the aforesaid Judge, may be declared Void, &c. And

Ordered, That the Consideration of the said Petition be referred to the next Session of this Court.

A Petition of *Sarah Rice*, Administratrix of the Estate of her Husband *Josiah Rice*, late of *Worcester* in the County of *Middlesex*, deceased, praying, That she may be Impowered to pass a Deed of a Thirty Acre Home-Lot in said *Worcester*, whereof her said Husband died seized, unto *Ephraim Rice*, the Father of the said Deceased, provided he the said *Ephraim* convey his Right in one other Thirty Acre Home-Lot in the same place, to the Heirs of the aforesaid Deceased, and their Assigns, for Reasons mentioned. Read, and

Ordered, That the prayer of the Petition be granted, and that the Petitioner be, and hereby is fully Authorized and Impowered to make and execute, in due Form of Law, a Deed of Conveyance of the Thirty Acre Home-Lot, whereof the Intestate died seized, unto the within-named *Ephraim* [35]

Rice, provided the said *Ephraim Rice* do give a Deed in like manner of his Thirty Acre Home-Lot to the Children of the aforesaid Deceased, their Heirs and Assigns: Any Law, Usage or Custom, to the contrary notwithstanding. Sent up for Concurrence.

A Petition of *John Everit* and *William Bullard*, a Committee of the Precinct lately set off from *Dedham* and *Stoughton*, praying a Committee of this Court to view their Situation and Circumstances in order to fixing a place for their Meeting-house. Read, and

Ordered, That the prayer of the Petition be granted, and that Mr. *Benjamin Bird* and Mr. *John Jacob*, (with such as shall be joyned by the Honourable Board) be a Committee to repair to the said Precinct, view and consider the Situation and Circumstances thereof, and Report to this Court on *Thursday* next, what may be proper to be done on this Petition. The Committee seasonably to Notify the said Precinct of their coming, & the Charge of the Committee to be born as this Court shall order.

Sent up for Concurrence.

A Memorial of *Benjamin Larrabee*, Capt. of Fort *George* at *Bunswick*, for and in behalf of Mr. *Benjamin Kent*, present Chaplain of the said Fort, praying such additional Allowance for the Support of the Ministry there, as the Court should think fit. Read.

An Indent Signed *Benjamin Larrabee*, for sundry Necessaries wanting at His Majesty's Fort *George* at *Brunswick*.

Read, and committed to the Committee for Petitions.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris Die 11. Junij, A. D. 1731.

A Memorial of *Comfort Starr* of *Danbury*, praying that a Petition he preferred to this Court in *June*, 1728. for a Grant of Four Hundred Acres of Land made by this Province to his Grand-father Mr. *Thomas Star*, might be revived, and that he may have leave to lay out said Four Hundred Acres of Land, and return a Plat of it for Confirmation. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

A Petition of *Henry Farewell* and others, for themselves and Associates, to the Number of about Seventy, being part of the *Amaskeag* Petitioners, praying for a Tract of Land of the Contents of Six Miles square, including part of what was in the former Petition, agreeable to the Bounds set forth in the Petition, for Reasons mentioned. Read.

A Petition of *Peirson Richardson* and *Jacob Richardson*, Sons of Lieutenant *John Richardson* late of *Woburn*, deceased, by *Mary* his second Wife, only Child of *Bartholomew Peirson* of the same place, deceased, praying, That (at

the next Superiour Court to be holden in the County of *Middlesex*) they may have another Trial of an Action of Review brought by the Petitioners against one *Job Richardson* in *July*, 1729. for Recovery of certain Real Estate mentioned in the Petition, for Reasons therein mentioned. [36]

Read, and *Ordered*, That the Petitioners serve the adverse Party with a Copy of the Petition, that so he may shew cause (if any he hath) at the next Session, why the Prayer thereof may not be granted.

Sent up for Concurrence.

A Bill intituled, *An Act in further addition to an Act*, intituled, *An Act directing the Admission of Town Inhabitants, made and pass'd in the Thirteenth Year of the Reign of King William the third.*

Read a first time.

Samuel Thaxter Esq; brought down from the Honourable Board the Petition of *Benjamin* and *Aaron Thayer*.

This being the happy Anniversary of His Majesty's Accession to the Throne of *Great-Britain*, and the Great and General Court of this Province being now convened,

Voted, That it is the unanimous Desire of this House, that the Court express their Duty and Loyalty to His Majesty, and the Royal Family on this joyful Occasion, and therefore propose the Court-House as a proper Place for that purpose, at Three a Clock this Afternoon.

Sent up for Concurrence, by Maj. *Chandler*, Mr. *Almy*, Mr. *Little* and Mr. *Tyng*. Who returned they had delivered the Message.

Voted, That the Consideration of the Affair of *Cambridge* great Bridge, be further referred till to Morrow, Nine a Clock in the Forenoon.

A Petition of *Benjamin Thayer* and *Aaron Thayer*, Infants, by *William Hayward* their Guardian, praying, That they may be enabled, by their said Guardian, to make Sale of so much of the small parcels of Land mentioned in the Petition (which shall be least prejudicial to their Estate) as shall be sufficient for the Uses and Purposes within-mentioned, the Petitioners said Guardian accounting for the Monies that shall arise by virtue of such Sale, before the Judge of Probate, &c. for Reasons mentioned. Pass'd in Council, *viz.* In Council, *June 11. 1731.* Read, and

Ordered, That the prayer of the Petition be granted, and the within-named *William Hayward*, as Guardian to *Benjamin Thayer* and *Aaron Thayer*, Infants, is hereby accordingly impowered to Sell such of the Out-lands conveyed to the said Infants by their Father *Benjamin Thayer*, deceased, as may be Sold with least Prejudice to the Estate, not exceeding the Value of *Two Hundred Pounds*, the Produce thereof to be applied for payment of the Deceased's Debts, and the Support of his Daughter *Ann*, in manner as is provided by the Deed of the Deceased, and the remainder (if any there be) to be improved for the benefit

of the said Infants, the Guardian to account for the same with the Judge of Probate for the County of *Suffolk*.

Sent down for Concurrence.

Read and Concurred.

A Memorial of *Nathaniel Collins* of *Enfield*, praying a Grant of a Tract of the Province Land, agreeable to the Bounds mentioned in a Petition of his preferred to this Court sometime in *June, 1727*. and if the Court don't see cause to give it to him absolutely, that they would make a Grant of it to him upon such moderate Terms as shall be thought fit, &c.

Read. [37]

Mr. Secretary brought down an Ingross'd Bill, intituled, *An Act for the better Curing and Culling of Fish*. Read, and pass'd to be Enacted.

Capt. *Foster* from the Committee appointed the 9th. Instant, to make Amendments on the Bill to *prevent Damages by unruly and ravenous Dogs*, Reported, That they had considered thereof and taken the same into a new Draught, which said Draught he laid on the Speaker's Table.

Mr. Secretary came down from His Excellency with the following Message, viz.

Mr. Speaker,

His Excellency directs this Honourable House to attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Excellency (having first given his Assent to several Bills) delivered a Speech to both Houses, whereof Mr. Speaker obtained a Copy, and then he with the House returned to their own Chamber, and the said Speech was Read in the House, and the same is as follows, viz.

Gentlemen of the Council and House of Representatives,

I Have now lying before me the Bill you have pass'd for my Support, and am sorry after what I have said to you and former Assemblies, that you are not come into a chearful Compliance with the King's reasonable Expectation from you, and I still wish you may do it before it be out of your Power.

As to the Bill for the supply of the Treasury, since an Address is gone to His Majesty from the late House of Representatives on this Affair, and I have also laid before this Government the King's Orders to me herein, I should have thought it but a decent Respect to His Majesty, to have waited His Royal Pleasure, before you had proceeded to make any Supply otherwise than was practised by the Assemblies of this Province for the first Thirty Years after the Receipt of the present Charter, and was done again in the same manner by the last Assembly.

But since you are attempting it in a different way, I am oblig'd in Duty to the King, to remind you of His Commands to me, wherein His Majesty is pleased to declare, That the Method you have lately been in for supplying the Treasury, was an unwarrantable Practice, and expressly contrary to the Tenor of the Charter, and has commanded me to take Care that there be no such practice for the future.

For these reasons it is, That I can by no means give my Consent to this Bill. Therefore, Gentlemen, after saying this, and repeating to you that the last Supply is exhausted, I cannot doubt of your making sufficient Provision for the King's service in the necessary Defence and Support of His Government of this Province, and for the Protection and Preservation of the Inhabitants within the same.

June 11. 1731.

J. BELCHER.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

The House met and Adjourned till to Morrow Morning Nine o'clock. [38]

Sabbati Die 12. Junij, A. D. 1731.

HIS Excellency's Speech Read again, and
Ordered, That *Elisha Cooke* Esq; *Mr. John Alden*, *Mr. Samuel Welles*, *Benjamin Lynde Jun. Esq*; and *Mr. Elisha Bisby* (with such as shall be joyn'd by the Honourable Board) be a Committee to prepare the Draught of an humble Address to His Majesty, for His Royal Order of leave to his Excellency the Governour to receive such Sums of Money as shall be from time to time granted him, as also that His Majesty would be pleased to withdraw His 30th. Instruction to his Excellency.

Sent up for Concurrence.

Mr. Welles from the Committee appointed the 28th. of *May* last, to consider of the Six new Townships proposed to be settled, Reported, Read, Accepted, and accordingly,

Ordered, That before the Terms on which those Townships may be granted, are concluded on, Six Tracts of Land of the Contents of Six Miles square each, be Surveyed and Platted; and that it be as soon as may be, by such Committees as this Court shall appoint, whose Proceedings shall be laid before this Court at their next Fall Session, in order to their more particular Determination on the Method of settling them; and that those Six Townships be laid out at or about the following places, *viz.* two Townships, both lying part on each side *Merrimack* River, between *Naticook* and *Lovel's* Town; one at

or near *Ware* or *Swift-River*; two upon or about *Ashawelot* River; one at the Head of *Berwick*, Butting on *Newichawonnuck* on one side, and on *Bannabeague* on the other side.

Sent up for Concurrence.

Agreeable to the Order of the Day, the House entred upon the Consideration of the several Petitions referring to the demolishing of *Cambridge* great Bridge, which were all of them Read, together with the Answer of the Town of *Cambridge*, pass'd in Council, viz. In Council, *June 2. 1731*. The Petitions of the several Towns of *Newtown*, *Watertown*, *Lexington*, *Weston*, *Sudbury*, *Framingham* and *Needham*, being Read, together with the Answer of the Town of *Cambridge*, and the Matter being fully considered, the Question was put, *Whether it be convenient to demolish the great Bridge at Cambridge over Charles-River?* And it pass'd in the Negative. Sent down for Concurrence.

The Parties being admitted into the House, fully heard, and withdrawn, the Question (after a considerable Debate) was put, *Whether the House would concur with the Honourable Board in their Vote above?* And it pass'd in the Affirmative.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 14. Junij, A. D. 1731.

VOted, That Mr. *Baxter* have leave to go Home for the Recovery of his Health, to return as soon as that will admit of it.

Mr. Speaker communicated a Letter from Mr. Agent *Wilkes*, dated, *London*, 10th. of *April*, 1731. accompanied with a Duplicate of another of the 12th. of *March* last.

A Petition of *Robert Davis* of *Boston*, Mariner, praying the Court to grant him such an Allowance, or give him such Order for his Support out of the publick Treasury, as they shall think fit, or that they would grant him some convenient Tract of Land, for the Use and Reasons within mentioned.

Read.

A Petition of *Samuel Plaisted* Esq; in behalf of the Proprietors of *Berwick*, praying the Court to order a Committee (at the Charge of the whole Propriety) to inquire into the Justice of a Divisional Line made between them and the Proprietors of *Kittery*, and Report the same accordingly: As also how and where the Interests of those two Towns in the undivided Lands shall be separated, for Reasons mentioned. Read.

A Petition of the Honourable *Edward Hutchinson* Esq; and others, a Committee chosen and appointed by the Artillery Company of the *Massachusetts-Bay*, so called, praying, That for the Purposes therein mentioned, they may have liberty to make Sale of one or both of the Tracts of Land within-mentioned (formerly granted to said Company by this Court) the Produce thereof to be appropriated as the Court shall think fit, for Reasons mentioned. Read.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Martis Die 15. Junij, A. D. 1731.

APetition of *Thomas Webber* and *Mehetabel* his Wife, *Josiah Carter* and *Lydia* his Wife, Daughter and Co-heir with *Elizabeth Bodoïn*, to *Elizabeth Ambrose*, deceased, who was the Wife of *William Ambrose*, Mariner, [40] praying, That the Court would enable them to review a Judgment obtain'd against them by the Honourable *John Clark* Esq; at a Superior Court of Judicature held at *Boston* in *May*, 1723. for Reasons mentioned. Read, and

Ordered, That the Petitioners serve the Executors or Administrators of the

within-named *John Clark* with a Copy of this Petition, that so they may shew cause (if any they have) on *Friday* the 18th. Instant, why the prayer thereof may not be granted. Sent up for Concurrence.

The Petition of the Committee of the Honourable Artillery Company, praying as entred Yesterday. Read again, and

Ordered, That the prayer of the Petition be granted, and that the Company within-mentioned, be, and hereby are fully Authorized and Impower'd, in due Form of Law, to make and execute a good Deed or Deeds of Conveyance of the two Tracts of Land within mentioned, the Produce thereof to be vested in such other Real Estate, as may be most for their Advantage, the Income thereof to be applied to and for providing Necessaries for their Military Exercises, and defreying the other Charges that may arise by Occasion thereof. Sent up for Concurrence.

Voted, That the House come upon the Consideration of the Petition of *Joseph Mallinson*, at Three a Clock this Afternoon.

A Memorial of *John Dennit*, in behalf of a considerable Number of the Inhabitants of the middle part of *Kittery*, praying, That the Court would order that the said Inhabitants may be discharged from paying to the other two Ministers in said Town, that they may the better be enabled to maintain their own Minister, or that a general Tax may be made throughout the whole Town for the Maintenance of their Three Ministers, or that a Committee be appointed to inquire, and Report their Opinion thereon, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the Town of *Kittery* with a Copy of the Petition, that so they may shew cause (if any they have) on the second *Thursday* of the next Session, why the prayer thereof may not be granted.

Sent up for Concurrence.

A Bill intituled, *An Act for the allowing necessary Supplies to the Eastern Indians, and for regulating Trade with them.*

Read a first time.

A Petition of *Joshua Lamb Esq;* and others, a Committee of the Purchasers of a Tract of Land called *Wombisiscook*, (heretofore purchased of *Indian* Sachems) praying, That they may be formed into a Township, and invested with the usual Priviledges, and give such further and necessary Sanction to their said purchase as shall be deem'd expedient, for Reasons mentioned. Also a Petition of *Joseph Wright* and others, Inhabitants or Residents on a Tract of Land commonly called, *The Elbows*, lying between the Towns of *Springfield* and *Brookfield*, praying the Court either to confirm the Title of the aforesaid *Indian* Purchasers or Claims, or in case they should see cause to reject and disallow their Claims to the Tract of Land within mentioned, and determine the same to be Country Land, that then the Petitioners and

others of the prior Settlers, and such others of the native Inhabitants, upon such Terms, Limitations and Conditions as to this Court shall [41] seem meet, may have a grant of the Land within-mentioned for a Township. Also one other Petition of *John King* and others, Inhabitants of a Tract of Land lying between the Towns of *Brookfield*, *Springfield* and *Brimfield*, praying, That they may be confirmed in their Possession of the said Lands (saving to Col. *Lamb* and Associates their Right therein, &c.) for Reasons mentioned. Which said Petitions were severally Read, and the Parties concerned in the Petition of the said *Lamb* and others, were admitted into the House, and being fully heard thereon, and withdrawn,

The House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Upon a Motion made and seconded, the Question was put, *Whether any of those Towns that were Fined the last Year, for not sending Representatives in the May Session, should (in consideration of their having sent Representatives the February following) be abated any thing in the present Province Tax?* And it pass'd in the Negative.

John Wheelwright Esq; came down from the Honourable Board, with a Letter from Mr. Agent *Wilkes* to Mr. Secretary, dated, *London*, 10th. of *April*, 1731. (accompanied with a Duplicate of another of the 12th. of *March* last) as also with a Message to know whether any thing was like to come up this Afternoon.

Agreeable to the Order of the Day, the House proceeded to the Consideration of the Petition of *Joseph Mallinson*, praying as entred the 18th. of *March* last, pass'd in Council, viz. In Council, *June* 8. 1731. Read again, together with the Answer of *Jeremiah Allen* and *John Ruck* Esqrs. and the same being fully considered, *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence.

Read, together with the Papers referring thereunto, and the Parties were admitted into the House, and being fully heard thereon and withdraw, the House concurred the Honourable Board in their said Vote.

A Petition of *Josiah Johnson* of *Woburn*, praying the Court to augment and enlarge an Allowance to him, for and towards his Support for the future, for Reasons mentioned.

Read, and committed to the Committee for Petitions.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurij Die 16. Junij, A. D. 1731.

THE Memorial of *Benjamin Larrabee*, Captain of Fort George at *Brunswick*, for and in behalf of Mr. *Benjamin Kent*, present Chaplain of the said Fort, praying as entred the 10th. Instant, Read again, and committed to the Committee for Petitions.

The Petition of *Samuel Plaisted* Esq; in behalf of the Proprietors of *Berwick*, entred the 14th. Instant, Read again, and

Ordered, That the Petitioner serve the Proprietors of the Town of *Kittery* with a Copy of the Petition, that they may shew cause (if any they have) on the second *Wednesday* of the next Session, why the prayer thereof may not be granted. Sent up for Concurrence. [42]

The House proceeded to the Consideration of the several Petitions of *Joshua Lamb* Esq; and others, *Joseph Wright* and others, and *John King* and others, entred the 15th. Instant, which were severally Read, and the Papers referring to them, and after a long Debate the Questions were severally put, *Whether the prayers of the said Petitions should be granted?* And it pass'd in the Negative.

An Indent Sign'd *William Barnsdale*, for sundry Necessaries for His Majesty's Castle *William*, presented.

Ditto Sign'd *John Gyles*, for sundry Necessaries for the Garrison or Blockhouse at *St. George's River*.

Ditto Sign'd *Joseph Heath*, for Necessaries at Fort *Richmond*, accompanied with a Letter of said *Heath's* to His Excellency referring to the present State of the Stores, &c. of that Fort.

Also one other Indent Sign'd *Benjamin Larrabee*, for sundry Necessaries for His Majesty's Fort George at *Brunswick*.

Which were severally Read, and committed to the Committee for Petitions.

The Petition of *Robert Davis*, entred the 14th. Instant, Read again, and committed to the Committee for Petitions.

The Accompt of the Treasurer for the County of *Bristol*, entred the 29th. of *May* last, Read again, and allowed.

Sent up for Concurrence.

An Accompt Signed *Ebenezer Lewes*, Treasurer for the County of *Barnstable*, presented for Allowance. Read and allowed.

Sent up for Concurrence.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

A Memorial and Representation of *James Simmons* and *James Procter*, on behalf and by direction of the Inhabitants of the second Precinct in *Woburn*, praying the Court to appoint a Committee to view the Land and determine and fix the most suitable place for erecting a Meeting-House for the publick Worship of God in the said Precinct; the Charge of the Committee to be defrey'd by the Inhabitants thereof, for Reasons mentioned. Read, and

Ordered, That the prayer of the Petition be granted, and that *Daniel Epes* Esq; and Mr. *James Wilder*, (with such as shall be joyn'd by the Honourable Board) be a Committee (at the Charge of the Inhabitants) to repair to the Precinct within-mentioned, view the same, hear all Parties concerned, and Report to this Court at their next Session, where it may be most proper to place their Meeting-house, and that the Committee seasonably Notify the Precinct of their coming.

Sent up for Concurrence.

The Petition of *Ebenezer Bardwell* and *Obadiah Dickenson*, entred the 16th of *March* last, (which was referred for Consideration to this Session) Read again, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative. [43]

The Bill intituled, *An Act for allowing necessary Supplies to the Eastern Indians, and for regulating Trade with them.* Read a second Time, and committed to Mr. *Bisby*, Mr. *Lynde* and Mr. *Cushing*, to make such Amendments as may be thought proper.

A Petition of *Ichabod Tupper*, late of *Sandwich*, in the County of *Barnstable*, now of *Middleborough* in the County of *Plimouth*, Mariner, praying, That *Timothy Bourn* of *Sandwich* aforesaid, may be ordered to bring forward to the next Superior Court of Judicature, an Appeal from a Judgment of an Inferiour Court of Common Pleas at *Barnstable* in *July 1724.* obtained against him by the Petitioner, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the adverse Party with a Copy of the Petition, that he may shew cause (if any he have) on the sccond *Wednesday* of the next Session, why the prayer thereof may not be granted.

Sent up for Concurrence.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

VOTES

Of the House of Representatives.

Jobis Die 17. Junij, A. D. 1731.

A Petition of *Benjamin Smith*, living on Land on *Merrimack* River near *Naticook*, praying the Court to make him a Grant of One Hundred Acres of Land (including an Island whereon he has built a House, & made Improvements) on the *West* side of the said River, adjoining thereto, (to be laid out in a regular Form) or that it may be Sold him on reasonable Terms, for Reasons mentioned. Read, and referred to the next Session for Consideration.

Ordered, That Mr. *Hall* go up with a Message to the Honourable Board, to inquire what they have done on the Vote of the 12th. Instant, referring to the Six new Townships proposed to be settled. Who accordingly delivered the Message, and brought down said Vote not pass'd on by the Honourable Board.

The Accompt of *Joseph Moodey* (upon Vouchers being produced for the several Articles therein contained) Read again, and allowed.

Sent up for Concurrence.

A Petition of *Timothy Ruggles* and others, a Committee of the Descendants and legal Representatives of *Joshua Lamb* and others, praying, That the Court would make them a Grant of Land of the Contents of Eight Miles square, adjacent to the River called, *Nenemesech*, alias, *Ware* River (in such Form as the Lands will admit of) for a Township; under such Regulations as the Court shall think fit, for Reasons mentioned. Read.

A Bill intituled, *An Act in addition to an Act*, intituled, *An Act for regulating of Tanners, Curriers and Cordwainers, made and pass'd in the Tenth Year of the Reign of King William the third.* Read a first Time, and committed to the Committee for Laws, to make such Amendments as may be thought proper.

Voted, That the Committee for Laws be desired to prepare the Draught of a Bill for the Pay of the Members. [46]

Voted, That it is very necessary for the Accomodation of diverse Inhabitants of this Province, that Six new Townships should be opened for Settlement, but that before the Terms of granting them are concluded on, Six Tracts of Land of the Contents of Six Miles square each, be Survey'd and Platted as soon as may be, by such Committees as this Court shall appoint, whose Proceedings shall be laid before this Court at their next Fall Session, in order to their more particular Determination on the method of settling them, and

that those Six Townships be laid out at or about the following places, viz. Two Townships, both lying part on each side *Merrimack* River, between *Naticook* & *Lovel's* Town, one at or near *Ware* or *Swift* River, two upon or about *Ashawelot* River, one at the Head of *Berwick*, Butting on *Newichawonnuck* on one side, and *Bonnebeague* on the other side.

Sent up for Concurrence.

Whereas this House think it adviseable, that a Tract of Land situate near the Reer of the House and Land belonging to the Province, where His Excellency the Governour now Dwells, with the Stables and Buildings thereon, be purchased at the Charge and for the Use of the Province, to accomodate the Governour for his Coach, Chariot, Horses and Furniture, the purchase Consideration whereof will amount to Seven Hundred and Fifty Pounds,

Voted, That the Sum of *Seven Hundred and fifty Pounds*, be allowed and paid out of the publick Treasury, for the purchasing the above-mentioned Tract of Land and Buildings for the use aforesaid, the Deed thereof to be made to *Jeremiah Allen* Esq; Treasurer of the Province, *Samuel Checkley* Esq; Treasurer of the County of *Suffolk*, and *Joseph Wadsworth* Esq; Treasurer of the Town of *Boston*, and to their respective Successors in the said Offices, as Trustees for and in behalf of the Province.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Elisha Cooke Esq; from the Committee for Petitions, Reported on the Petition of *Anthony Caverly* and others, a Committee of the *Westerly* Precinct in *Watertown*, Read, Accepted, and

Ordered, That the Consideration of the said Petition be referred to the next sitting of this Court, and that it be recommended to the said Town, to fix upon two suitable places, to accomodate each part thereof with a good School, and that they take effectual Care to provide two School-masters qualified for that Service.

On the Petition of *Josiah Johnson*, Read, Accepted, and *Ordered*, That (from the first of this Instant *June*) the Sum of *Eighteen Pounds* per Annum, be allowed and paid out of the publick Treasury to the Petitioner, for and during the Space of Three Years, (he surviving to that time.)

Sent up for Concurrence.

On the Indent of Capt. *Benjamin Larrabee*, Read, Accepted, and

Ordered, That Mr. Treasurer be, and hereby is directed to supply the said *Larrabee* with the Articles therein mentioned.

Sent up for Concurrence. [47]

On the Memorial of *Benjamin Larrabee*, Capt. of Fort George, Read, Accepted, and

Ordered, That the Sum of *Twenty Pounds* be allowed and paid out of the publick Treasury to the Memorialist, to be applied to and for the Support of a Chaplain for the Garrison and Inhabitants of *Brunswick*, the Year Current, and that the Chaplain be subsisted out of the Province-Stores.

Sent up for Concurrence.

John Osburn Esq; brought down from the Honourable Board, *Middlesex* County Treasurer's Accompt, pass'd in Council, viz. In Council, *June 17. 1731.* Read and Non-concurred, and

Ordered, That this Accompt be allowed (the several Articles being vouch'd by proper Discharges according to Law) saving *Seventeen Shillings and Eleven pence* overcharged in the Treasurer's Commissions, which therefore must be added to the Balance in his hands. Sent down for Concurrence. Read and concurred, (saving the several Charges in said Accompt for Officer's Dinners.) Sent up for Concurrence.

Peter Thatcher Esq; brought down from the Honourable Board, the Report of the Committee appointed on the Petition of some of the Inhabitants in the *Northerly* Precinct in *Scituate*, against removing the Meeting-House in said Precinct, pass'd in Council, viz. In Council, *June 17. 1731.* Read, and

Ordered, That this Report be accepted, and that the Accompt of the Committee's Time and Expence (hereunto annexed) amounting to the Sum of *Fifteen Pounds Three Shillings and two pence*, be allowed, and that the Petitioners discharge the same.

Sent down for Concurrence. Read and Concurred.

A Motion being made, that the House would re-consider their Vote of the 10th. Instant, for referring the Petition of *John Sharpe* and others to the next Session, and that the House would now come upon the Consideration thereof, it was accordingly Voted, and said Petition Read again and sent up.

Isaac Winslow Esq; brought down from the Honourable Board, the Report of the Committee appointed to consider of the Petition of some of the Inhabitants of *Brimfield*.

The Tax Bill Read a second Time.

John Osburn Esq; brought down from the Honourable Board, a Complaint and Petition of *Thomas Godfrey* and three other Debtors, under Confinement in His Majesty's Goal.

Also the Petition of *John Sharpe* and others, pass'd in Council, viz. In Council, *June 17. 1731.* Read, and

Ordered, That the prayer of this Petition be granted, and the Division of the two Miles square of Land on the *North* side of *Biddeford* above referred to, is hereby declared Null and Void, and the Judge of Probate for the County

of *York*, is hereby impowered and directed to order a new Division of the Lands aforesaid: Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock. [48]

Veneris Die 18. Junij, A. D. 1731.

THE Report of the Committee appointed the 5th. Instant, to take under Consideration the Petition of some of the Inhabitants of *Brimfield*, and the several Papers referring thereto, pass'd in Council, viz. In Council, *June 17. 1731.* Read, and

Ordered, That this Report be accepted. Sent down for Concurrence.
Read.

The Complaint and Petition of *Thomas Godfrey* and others, Debtors, under Confinement in His Majesty's Goal, in the County of *Suffolk*, (directed to His Excellency the Governour) praying for Relief, for Reasons mentioned, and by His Excellency recommended to the Consideration of the General Assembly, pass'd on in Council, viz. In Council, *June 17. 1731.* Read, and

Ordered, That *John Chandler* and *Peter Thatcher* Esqrs. (with such as the Honourable House of Representatives shall appoint, be a Committee to repair to the Prison, and inquire into the matter of this Complaint, and Report to this Court what is proper to be done thereon.

Sent down for Concurrence. Read and concurred. And

Ordered, That Messieurs *James Wilder*, *Edward Shove* and *Daniel Epes* Esq; be joyn'd in the Affair.

Simonds Epes Esq; bro't down the Papers referring to the Petition of the Inhabitants of *Brimfield*.

Ordered, That the Town of *Weston* be Fined the Sum of *Twenty Pounds*, for not sending a Person to Serve for and Represent them in the present Great and General Court or Assembly, and that the said Sum be added to their Province Tax this Year.

Melatihah Bourn Esq; brought down from the Honourable Board, the Report of the Committee appointed by this Court to consider what may be proper for this Court to do with respect to the Inhabitants of this Province that border on the Bounds of that part of the Province formerly *Plymouth* Colony, and the Colony of *Rhode-Island*, pass'd in Council, viz. In Council, *June 18. 1731.* Read, and Ordered, That this Report be accepted.

Sent down for Concurrence. Read and Concurred.

A Bill intituled, *An Act in further addition to an Act*, intituled, *An Act directing the Admission of Town Inhabitants*, made and pass'd in the Thirteenth Year of the Reign of King William the third.

Read a second Time.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

A Petition of *Joseph Gould* and others, Agents for the Towns of *Topsfield*, *Reading* and *Middleton*, praying the Court by themselves or a Committee to inquire into the Obstructions on a River there, called, *Ipswich River*, occasion'd by Mills and Damms erected thereon, whereby the course of Fish up the said River is straitned; as also into the Damages they sustain thereby, and in what effectual manner and with the least prejudice to the Owners of said Mills, the Passage for the Fish may be cleared, or that such [49] further Relief may be afforded, as the Court shall think fit, for Reasons mentioned. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

A Petition of *Samuel Burnap* and others, a Committee of *Reading North Precinct*, praying the Court to make some addition to them from the Towns within-mention, and agreeable to the Bounds set forth in the Petition, for Reasons mentioned. Read, and the Question put, *Whether the prayer of the said Petition be granted?* And it pass'd in the Negative.

Upon a Motion made and seconded,

Ordered, That *John Little Esq*; go up with a Message to the Honourable Board, to desire that they would send down the Petitions and Papers referring to the great Bridge over *Charles-River* in *Cambridge*.

Who returned he had delivered the Message.

John Alford Esq; came down with said Petitions and Papers, as also with a Message from the Honourable Board, desiring that the late Address from the Honourable House to His Majesty, might be sent up. Which said Address was accordingly sent up by *Maj. Chandler*.

The Report of the Committee appointed to consider of *Brimfield* Inhabitants Petition, Read again, as also the Vote of the Honourable Board thereon, and concurred.

The Tax Bill read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

A Draught of an humble Address of both Houses to His Majesty, brought down this Afternoon, by *John Osborne Esq*; pass'd in Council, *viz.* In Council, *June 18. 1731.* Read and accepted.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati Die 19. Junij, A. D. 1731.

THE Bill for allowing necessary Supplies to the Eastern & Western Indians, and for regulating Trade with them, (as taken into a new Draught) Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

A Bill intituled, *An Act in further addition to the Act*, intituled, *An Act in further addition to the Act for the more effectual providing for the Support of Ministers* Read a first Time.

Ordered, That Mr. Speaker, Mr. Cooke, Mr. Welles, Mr. Thatcher and Mr. Cushing, be a Committee to prepare the Draught of a Letter to Mr. Agent Wilkes, for accompanying the late Address of both Houses to His Majesty; and that the said Committee (in the Recess of the Court) receive such Letters as Mr. Agent shall send to this House, and write to him from time to time as there shall be Occasion, and acquaint the House with their proceedings. [50]

A Bill intituled, *An Act for the Payment of His Majesty's Council, and the Representatives serving in the General Court.*

Read a first time.

The Bill intituled, *An Act in further addition to an Act*, intituled, *An Act directing the Admission of Town Inhabitants, made and pass'd in the Thirteenth Year of the Reign of King William the third.* Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

Then the House Adjourned till *Monday* next, Three a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 21. Junij, A. D. 1731.

MR. Speaker communicated to the House a Letter from Mr. Agent *Wilkes*, Dated, *May 8. 1731.* accompanied with a Duplicate of the Letter of the 10th. of *April* last.

Ordered, That Mr. Speaker, Mr. *Cooke*, Mr. *Welles*, Maj. *Chandler* and Mr. *Shove*, with such as shall be joyned by the Honourable Board, be a Committee to prepare the Draught of a Letter to the Agent of this Province, to accompany the Address of both Houses to His Majesty.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Martis Die 22. Junij, A. D. 1731.

APetition of *Eldad Tupper*, in behalf of dissatisfied Members of the Church of Christ in *Sandwich*, and other Inhabitants of the said Town, praying a Committee to be sent to them in order to hear the Parties, consider their Circumstances, and Report, &c. for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the Town of *Sandwich* with a Copy of the Petition, that so they may shew cause (if any they have) on the first *Thursday* of the next Session, why the prayer thereof may not be granted.

Sent up for Concurrence.

A Plan of Two Hundred Acres of Land granted to the Reverend Mr. *Experience Mayhew* the 16th. of *December* last, presented for Allowance. Read, and

Ordered, That the Land therein delineated and described, be, and hereby is confirmed unto the said *Experience Mayhew*, his Heirs and Assigns forever, provided the same do not exceed the Quantity of Two Hundred Acres, nor interfere with any other or former Grant.

Sent up for Concurrence. [52]

The Bill intituled, *An Act in further addition to the Act*, intituled, *An Act in further addition to the Act for the more effectual providing for the Support of Ministers.* Read a second Time.

The Bill intituled, *An Act for the Payment of His Majesty's Council, and the Representatives serving in the General Court.* Read a second Time, and committed to the Committee for Laws, in order to make proper Amendments thereon.

A Bill intituled, *An Act in further addition to an Act, intituled, An Act in addition to the Act for upholding and regulating of Mills, made in the Twelfth Year of the Reign of the late Queen Anne.*

Read a first Time.

Ordered, That Col. *Stoddard* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Tax Bill, and to desire they would dispatch the Business of the Court lying before them, that so the Court may rise as soon as may be. Who returned he had delivered the Message, and was inform'd by Mr. Secretary, That the Board had the Bill under Consideration.

Ebenezer Burrel Esq; brought down from the Honourable Board, the Report of the Committee appointed by this Court the 30th. of *December* last, to take under Consideration the Petition of *Jonas Houghton* and others, in behalf of themselves and sundry of the Inhabitants on the *Eastern* part of the Towns of *Lancaster, Groton* and *Stow*, praying they may be erected into a separate Township. Likewise a Petition of *Jacob Houghton* and others, of the *North-easterly* part of the Town of *Lancaster*, praying the like. As also a Petition of sundry of the Inhabitants of the *South-west* part of the *North-east* Quarter of the Township of *Lancaster*, praying they may be continued as they are. Pass'd in Council, *viz.* In Council, *June 21. 1731.* Read, and *Ordered*, That this Report be accepted.

Sent down for Concurrence.

Read and Concurred.

Col. *Stoddard* from the Committee appointed to consider of the Bill for the Payment of His Majesty's Council, and the Representatives serving in the General Court, Reported that they had new draughted the said Bill, which was Read, and then laid on the Speaker's Table.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

A Petition of *Hugh Henry*, Minister of the Gospel, residing at *Falmouth*, praying, That he may have leave (at the next Superior Court of Judicature to be holden at *York* in the County of *York*) to bring forward an Appeal from a Judgment of the Court of General Sessions of the Peace holden at *York* aforesaid, in *July 1725.* which, for Reasons mentioned, he omitted in the season of it; and that he may have an Allowance for two Years Service at *Fort George.* Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

Spencer Phipps Esq; brought down from the Honourable Board a Letter from Mr. Agent *Wilkes*, Dated, *May 8. 1731.* accompanied with a Duplicate of a Letter of the 10th. of *April* last, and sundry Pamphlets and Papers. [53]

A Message from the Honourable Board by *William Clark* Esq; to acquaint

the House that they had nothing before them, and to know whether any thing was like to come up this Afternoon.

Ordered, That Maj. *Brattle* go up with a Message to the Honourable Board, to acquaint them that nothing was like to come up. Who returned he had delivered the Message.

Ordered, That Col. *Stoddard*, Capt. *Goddard*, Mr. *Welles*, Mr. *Choat*, Mr. *Lynde* and Mr. *Church*, be a Committee to prepare the Draught of a Bill for the Supply of the Treasury.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurij Die 23. Junij, A. D. 1731.

A Petition of *Nicholas White* and others, Inhabitants of the *Northern* end of *Norton* in the County of *Bristol*, praying, That they may be made a Precinct or Township agreeable to the Bounds in the Petition, for Reasons mentioned. Read, and in Answer thereto,

Ordered, That the Petitioners and their Estates, agreeable to the Bounds hereafter mentioned, *viz. Westwardly* by *Attleborough* Bounds, *Northwardly* by *Stoughton* Bounds, *Eastwardly* by *Easton* Bounds, until it comes to be due *West* from the House of *Erasmus Babbot*, deceased, from thence to the *South* of *Samuel Caswell's* House, three Rods or Poles from thence to the Center between the publick Meeting House in said *Norton*, and the common Land upon the eight Mile Plaine in said *Norton*, from said Center to said *Attleborough* Bounds, on the *South* of *Benjamin Lane's* House, and on the *North* of the House of *Isaac Shepherd*, deceased, be, and hereby are erected into and made a distinct and separate Precinct, and vested with the like Powers, Priviledges and Immunities as other Precincts within this Province have, or ought by Law to enjoy.

Sent up for Concurrence.

A Bill intituled, *An Act for erecting a new Town in the County of Hampshire, called Brimfield.*

Read a first Time.

A Petition of *John Hobbs* of *Ipswich*, praying, That a Petition of his preferred the 12th. of *March* last, may be re-considered, for Reasons mentioned. Read, and the Question put, *Whether the House would so do?* And it pass'd in the Negative.

Mr. *Lynde* from the Committee appointed the 9th. Instant to prepare the Draught of an *Order* or *Resolve*, agreeable to the Report on the Petition of the Select-men of *Leicester*, Reported, that they had prepared one accordingly; which he Read in his place, and then laid the same on the Speaker's Table. Upon which the House came into the following Vote, *viz.*

In the House of Representatives, June 23. 1731.

Whereas the Differences that have arisen between the Reverend Mr. *David Parsons*, Pastor of the Church in *Leicester*, and a great Number (if not a [54] major part) of the Brethren of the said Church and Inhabitants of said Town, have been of long continuance, and proceeded to such a Degree as greatly to prejudice the Interest of Religion, & disserve the ends of the Gospel Ministry, the Breach between them appearing to be incurable, and so as to leave no hopes that Mr. *Parsons's* Ministry may be serviceable, at least to a great part of that People; and whereas Application is made in the Name of said Town and Church of *Leicester* to the General Court for Relief in the Premises,

Resolved and Ordered, That all such of the Inhabitants of the said Town of *Leicester*, who conscientiously dissent from Mr. *Parsons's* Ministry, respecting points either of Doctrine or Discipline, alledging scruple of Conscience as the grounds of their refusal to attend thereon, do within the space of Three Months next ensuing, signify the same in Writing under their Hands unto *Joseph Wilder Esq*; (who is appointed by this Court to take a Subscription of their Names accordingly) as also that they are willing and desirous to uphold and maintain the publick Worship of God and Gospel-Order, according to the Constitution of these Churches, and that then & from thenceforth all such Persons so subscribing, together with the rateable Polls and Estates of themselves and Families, and such of their Descendants as shall or may desire the same Privilege, shall be freed and exempted from all rates, Taxes, Assessments and Charges, for or towards the Support of the said Mr. *Parsons*: Any Law, Usage or Custom to the contrary notwithstanding. *Provided always*, That nothing in this *Resolve* or *Order*, shall be deemed, construed or taken, in prejudice of the Right or Title of the said Mr. *Parsons*, in or unto that Two Hundred Acres of Land, which is or hath been in his Possession as the Minister of said Town, but that the same shall remain to him, his Heirs and Assigns forever, any thing in this *Resolve* or *Order* notwithstanding. *Provided also*, That none of the Inhabitants subscribing as aforesaid, shall receive Benefit or Exemption by Virtue of this *Resolve* or *Order*, until he or they respectively do provide an able orthodox Minister generally to dispense the Word of God among them, or otherwise diligently frequent the publick Worship in some one of the Neighbouring Congregations, and submit their Polls and Estates to be Taxed a proportionable part with the Inhabitants of such Town or Towns respectively where they so attend, for and towards the Support of the Ministry there, and do also pay and discharge their respective parts and proportion of Mr. *Parsons's* Salary, due or becoming due to him in the Interim.

Sent up for Concurrence.

The House also *Voted*, That the Report of the Committee as entred the 9th. Instant, on which the foregoing *Order* was founded, should be Printed in their Journal, and is as follows,

The Committee to whom was referred the Petition of the Select-men of the Town of Leicester, and the Papers relating thereto, having considered the same, and heard the Pleas and Allegations of both Parties, being of Opinion, That neither the ends of the Gospel Ministry in that place, nor the Interest of Religion in general, can be promoted by the Reverend Mr. Parsons's continuance there as the Minister of the Town, and Pastor of the Church, by reason of the extream Aversions to his Ministry, used utmost Endeavours to obtain, by a mutual Agreement, a separation of Mr. Parsons from his Relation to that Town and Church, or at least from that part of said Town and Church, who in point of Conscience [55] cannot upon the Principles and Practices of Mr. Parsons, attend upon his Ministry, all which proposals for accomodation, notwithstanding some hopeful Prospect the Committee despair of, but humbly offer to the Consideration of this Honourable House, That if by an Act or Resolve of the General Court, those who conscientiously dissent from Mr. Parsons's Principles, and are desirous to maintain and uphold the publick Worship of God and Church-Order as contained in our Platform, may enjoy a privilege of Exemption from the Charge of Mr. Parsons's Maintenance, Religion may yet be preserved in that place, and Mr. Parsons's Comfort and Usefulness, and the Edification of that People may in that way be best provided for. And the Committee further propose, That in such Act or Resolve suitable Provision be made, that the Salary due or to be due to Mr. Parsons, and the Arrears thereof be secured, to be paid to him by the whole Town, until those who are aggrieved and dissatisfied as aforesaid, provide an orthodox Minister generally to dispense the Word of God among them, or diligently frequent the publick Worship in the Neighbouring Congregations, and give in Writing under their Hands, that they can no ways continue with the hopes of advancing their spiritual Interests under Mr. Parsons's Ministry, and do also in due Form of Law, relinquish their respective Rights or Pretences to the Two Hundred Acres of Land which Mr. Parsons has been in the possession of as their Minister, and that then and from thenceforth such aggrieved Persons and their Estates, with their Descendants, be freed from any further Charge towards Mr. Parsons's Support.

An Ingross'd Bill (brought down from the Honourable Board by Mr. Secretary) intituled, *An Act in further addition to an Act, intituled, An Act directing the Admission of Town Inhabitants, made and pass'd in the Thirteenth Year of the Reign of King William the third.*

Also one other, intituled, *An Act for allowing necessary Supplies to the Eastern and Western Indians.*

Also another, intituled, *An Act for apportioning and assessing a Tax of Six Thousand eight Hundred and Eighteen Pounds, and for assessing a Tax of*

Twenty Pounds, *laid on the Town of Weston for not sending a Representative, and also for apportioning and assessing one other Tax of Four Thousand One Hundred and Nine Pounds Six Shillings, paid the Representatives for the Year 1730-1. and a further Tax of One Thousand Pounds, emitted and appropriated for the payment of His Majesty's Council in this present Year 1731.*

Which were severally Read and pass'd to be Enacted.

The Bill intituled, *An Act in further addition to the Act, intituled, An Act in further addition to the Act for the more effectual providing for the Support of Ministers.* Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

Mr. Cooke from the Committee for Petitions, Reported on the Indent of Capt. *Benjamin Larrabee.* Read, Accepted, and

Ordered, That Mr. Treasurer be, and hereby is directed to Supply the said *Larrabee* with the Articles mentioned in the Indent, (except the Article of Powder, to be but Two Barrels for the great Guns, and One for the small Arms) the said *Larrabee* to pass his Receipt to the Treasurer, and be accountable for the same.

Sent up for Concurrence. [56]

On the Petition of *John Askin,* Read, Accepted, and *Ordered,* That the Petition be referred to the next Session, that the Petitioner may produce his Vouchers.

On the Memorandum and Indent of Capt. *John Gyles,* Commander of the Garrison or Block-house at *St. George's River,* Read, Accepted, and

Ordered, That Mr. Treasurer be, and hereby is directed to supply the said *Gyles* with the several Articles mentioned in the Indent; and (forasmuch as Transporting of Wood for the said Garrison in the usual manner is found too difficult) that the said *Gyles* have leave (at the Charge of the Province) to purchase one Yoke of Oxen, one Cart and Sled for that Service, (the Soldiers to Cut and Cart the Wood, and get Hay for keeping the Oxen in the Season thereof) the said *Gyles* to pass his Receipt to the Treasurer for the several Articles before-mentioned, and to be accountable for the same.

Sent up for Concurrence.

On the Memorandum and Indent of Capt. *Heath,* Read, and

Ordered, That Mr. Treasurer be, and hereby is directed to supply the said *Heath* with the several Articles mentioned in the Indent, and (forasmuch as the usual Method of Transporting Wood for the Fort where he is placed, is found very difficult) that the said *Heath* have leave (at the Province Charge) to purchase one Yoke of Oxen, one Cart and Sled for that Service, (the Soldiers to Cut and Cart the Wood, and get Hay for keeping the Oxen in the Season thereof) the said *Heath* to pass his Receipt to the Treasurer for the several Articles before-mentioned, and to be accountable for the same.

Sent up for Concurrence.

The Bill for the payment of the Members of His Majesty's Council, and the Representatives. Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Bill intituled, *An Act in further addition to an Act, intituled, An Act in addition to the Act for upholding and regulating of Mills, made in the Twelfth Year of the Reign of the late Queen Anne.*

Read a second time.

Seth Williams Esq; brought down from the Honourable Board, a Letter to the Agent, prepared by a Committee of both Houses, pass'd in Council, viz. In Council, June 23. 1731. Read and accepted, with the Amendments.

Sent down for Concurrence.

Read and Concurred.

Also a Petition of *Josiah Willard* Esq; and *Hannah* his Wife, as they are Guardians to Six of their Children named in the Petition, praying an Order of this Honourable Court, to impower them in their said Capacity to joyn with others interested, in the Sale of an House and Land, and small Pasture in *Boston*, devised to them by Madam *Mary Saltonstal*, lately deceased, in and by her last Will and Testament, for Reasons mentioned. Pass'd in Council, viz. In Council, June 23. 1731. Read, and

Ordered, That the prayer of the Petition be granted; any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. [57]

A Petition of *Elizabeth Prentice*, Widow of Capt. *Thomas Prentice* late of *Newtown*, deceased, and *Mary Learned*, Widow of *Thomas Learned* late of *Watertown*, deceased, praying the Court (for Reasons mentioned in the Petition) to make them an Allowance for the Loss their said Husbands sustained in re-building the Bridge over *Charles River* in *Watertown*. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

A Petition of *Seth Aldrich* and *Samuel Thayer*, in behalf of themselves, and Ten others, Proprietors in the Town of *Mendon*, praying, That they may have an equivalent made them in lieu of what Land was taken from them by the Grant of this Court made to *Samuel Comestock* and Associates, for Reasons mentioned. Read, and committed to the Committee for Petitions.

The Petition of *Thomas Godfrey* and others, brought down from the Honourable Board this Afternoon, with the Report of a Committee of both Houses thereon, pass'd in Council, viz. In Council, June 23. 1731. Read and accepted, and *Ordered*, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Concurred.

A Message from His Excellency by Mr. Secretary, viz.

Gentlemen of the House of Representatives,

THE Commanding Officers of several of the Forts in the *Eastern* Country have been a long time absent from their Posts, some for want of Money in the Treasury to pay their Wages, others for Necessaries (as Ammunition, &c) for the Garrisons where they belong.

Castle *William*, the most important Fortress in this His Majesty's Government, is in miserable Circumstances, and a great part of it must in a little time drop down, or create a vast Expence in Repairs, if not seasonably prevented; and these things the late Assembly were made fully acquainted with, by a Committee sent last Year to view all His Majesty's Fortifications in the Province, and I now send you a Representation I have received from the Honourable the Lieutenant Governour, Commander of Castle *William*, which I think must still more convince you of the absolute Necessity of a speedy repair of that Fortification.

I hope upon the whole, you will for the Safety of this His Majesty's Province, and as good Husbands that would save the publick Money, go upon these necessary Affairs, without any longer delay.

J. BELCHER.

June 23. 1731. Read.

Ordered, That Maj. *Chandler* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Vote for opening of Six Towns. Who returned he had delivered the Message, and was inform'd by Mr. Secretary, That nothing was done upon the said Vote.

A Bill for supplying the Treasury with the Sum of ————— Thousand Pounds.

Read a first time. [58]

John Wheelwright Esq; brought down from the Honourable Board, the Bill for the Payment of the Members of His Majesty's Council, and the House of Representatives, pass'd in Council, viz. In Council, June 23. 1731. Read twice, and concurred with the Amendments.

Sent down for Concurrence. Read and Concurred.

Jonathan Remington Esq; brought down the Bill intituled, *An Act in addition to the Act in further addition to the Act for the more effectual providing for the Support of Ministers*, pass'd in Council, viz. In Council, June 23. 1731. Read twice, and pass'd a Concurrence with the Amendments.

Read and Concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

VOTES

Of the House of Representatives.

Jobis Die 24. Junij A. D. 1731.

THE Bill for erecting a new Town in the County of Hampshire, called
Brimfield. Read a Second Time.

The Bill for supplying the Treasury with the Sum of Thousand
Pounds, Read a Second Time.

Ezekiel Lewis Esq; brought down from the Honourable Board, a Report of the Committee appointed the 11th Instant, to repair to a Precinct lately set off from *Dedham* and *Stoughton*, with the Accompt of the Charge of said Committee, pass'd in Council, viz. In Council, *June 24. 1731.* Read, and Ordered, That this Report be accepted, and that the Meeting-House in the new Precinct in *Dedham* and *Stoughton* be placed accordingly; and that the Accompt of the Committee's Time and Expencc (amounting to the Sum of *Four Pounds Four Shillings*) be allowed and paid by the said Precinct to the Committee.

Sent down for Concurrence.

Read and concurred.

In the House of Representatives, June 24. 1731.

Ordered, That *Mr. Benjamin Williams*, a principal Inhabitant of the Precinct lately set off from the Town of *Norton*, be and hereby is fully authorized and impowered to notify and warn the Freeholders and other Inhabitants there, duly qualified to Vote, to convene as soon as may be, in some publick Place in said Precinct, to elect Precinct Officers, to stand until the Anniversary Meeting in *March* next.

Sent up for Concurrence.

Ordered, That *Mr. Speaker*, *Mr. Cooke*, *Mr. Welles*, *Mr. Thacher* and *Mr. Cushing*, (with such as shall be join'd by the honourable Board) be a Committee to prepare the Draught of a Letter to the Agent of this Province, in order to furnish him with proper Arguments to defend the Province against any Misrepresentations, and lay it before this Court at their present Session, if there be an Opportunity, otherwise in the Recess of the Court, to transmit the same to the Agent by the first Conveyance. Sent up for Concurrence. [60]

Mr. Cooke from the Committee appointed to consider of the several Accompts of *Mr. Treasurer Allen*, Reported, Read, and the Consideration of the said Report referred to three o'Clock this Afternoon.

Ordered, That none of the Members of this House, appointed to be on Com-

mittees that require Travel, attend such Service, during the sitting of the Court, unless they obtain the special Order of the House therefor.

Ordered, That Major *Gerrish* go up with a Message to the Honourable Board, to desire that they would send down Mr. *Stackpole's* Accompt referring to the Building the Bridge over *Swan-Pond* Creek.

Who return'd he had deliver'd the Message.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

Mr. Secretary brought down from the Honourable Board, Two ingross'd Bills, the One intituled, *An Act making more effectual Provision for the calling of Precinct or Parish Meetings*.

The other intituled, *An Act for the payment of the Members of His Majesty's Council, and the Representatives serving in the General Court*.

Which said Bills were severally Read, and pass'd to be Enacted.

Ordered, That the following Message be sent up to His Excellency and the Honourable Board, *viz.*

THis House being advised, that the Honourable Board have appointed several of their Members to proceed *Monday* next, on a Journey out of this Government, who probably may not return before the rising of the Great and General Court; and whereas several Affairs of great Importance are yet undetermined; the House therefore humbly apprehend, that great Inconveniencies may arise to this Province, if a considerable Number of the Honourable Board should be thus absent: It is therefore the Desire of this House, that their Journey may be suspended till this Court rises, unless it should be judged His Majesty's Interest will suffer more thereby.

Agreeable to the Order of the Day, the House took into Consideration the Accompt of Mr. Treasurer *Allen*, and the Report of the Committee thereon, which were again Read, and *Ordered*, That the same Committee, together with Mr. *Welles* and Mr. *Bisby*, be a Committee to consider thereof, and Report what may be proper for this Court to do thereon.

A Petition of *Nathan Webster* and *Richard Hazen*, Junior, for themselves and in behalf of the Inhabitants and Proprietors of the Town of *Haverhil*, (brought down from the Honourable Board this Afternoon by *Ebenezer Burrel Esq;*) praying the Court to secure to them the Property of their Lands, against the Persons they suggest in their Petition to have unjustly incroached upon them; and that the Court would in the mean time forbid those Persons making any new Improvements on those Lands, or mowing any Meadows within their Town, or that if they so do, the course of the Law may be open, or for such other Relief as the Court shall think fit, [61] for Reasons men-

tioned. Pass'd in Council, *viz.* In Council, *June 24. 1731.* Read and *Ordered*, That *Paul Dudley* and *Samuel Thaxter* Esqrs. with such as shall be joined by the House of Representatives, be a Committee to take into Consideration the Subject Matter of this Petition, and Report as soon as may be, what may be proper for this Court to act thereon.

Sent down for Concurrence. Read.

A Bill intituled, *An Act for supplying the Treasury with the Sum of Five Thousand Four Hundred Pounds*, Read a First Time.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris Die 25. Junij, A. D. 1731.

THE Bill intituled, *An Act for erecting a new Town in the County of Hampshire, called Brimfield.*

Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

The Petition of *Josiah Willard* Esq; *et uxor*, entred the 23d Instant, and the Vote of Council thereon, Read, and the House concurred the Honourable Board in their said Vote, with this Amendment, *viz. Provided the Petitioners give sufficient Security to the Governour and Council, to Account for the Proceeds of such Sale.*

Sent up for Concurrence.

The Bill for supplying the Treasury with the Sum of *Five Thousand Four Hundred Pounds.*

Read a second time.

The Memorial and Address of *Nathan Webster* and *Richard Hazen*, and the Vote of the Honourable Board thereon, (entred yesterday) Read again, and the House concurred the Vote of the Honourable Board, and *Ordered*, That *John Stoddard* Esq; *Mr. Samuel Welles* and *Joseph Gerrish* Esq; be join'd in the Affair.

The Petition of *Thomas Webber* and others, entred the 15th Instant, pass'd in Council, *viz.* In Council, *June 24. 1731.* Read again, and it appearing that the Adverse Parties have been duly served with a Copy of the Petition,

Ordered, That the Prayer of the Petition be granted, and that the Petitioners be accordingly enabled to bring their Writ of Review for recovering their Right in the House and Land within mentioned, at the Superiour Court next to be holden at *Boston*, for the County of *Suffolk*, and the Justices of the said Court are impowered and directed to hear and determine the same; any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and Concurred.

A Motion was made, that the House would revive the Petition of *John Campbel* of *Oxford*, Clerk, (entred the 12th of *March* last) and take the same

under their Consideration, and (the Question being previously put) the said Petition was Read, and the several Papers referring thereto, and the House came into the following Order thereon, *viz.* [63]

In the House of Representatives, June 25. 1731.

WHereas there have been several Assessments and Taxes heretofore Ordered and Directed by the Great and General Court of this Province, on the Lands of the Non-Resident Proprietors within the Township of *Oxford* in the County of *Suffolk*, as well for building a Meeting-House, as supporting the Ministry there: And whereas a considerable part thereof still remains due and unpaid, by reason the Methods heretofore used for collecting the same were insufficient:

For Remedy whereof, and for the more speedy and easy collecting the said Assesments and Rates already laid on the said Lands,

Ordered, That Messieurs *John Chandler* Junior of *Woodstock*, *Samuel Dudley* of *Sutton*, and *Benjamin Flagg* Junior of *Worcester*, (or a major part of them) be and hereby are appointed Trustees, and authorized and impowered to collect the said several Taxes and Assesments already laid in manner as aforesaid, on the said Lands of the said Non-Resident Proprietors in the said Town of *Oxford*: And for want of Payment from Time to Time, to make Sale of the said Lands, or so much thereof as shall be sufficient to pay all such Rates and Assesments, together with the Cost and Charge of collecting the same. And the said *John Chandler*, *Samuel Dudley* and *Benjamin Flagg*, (or a major part of them) are thereupon impowered to execute a good and sufficient Deed or Deeds in the Law, for the more effectual passing and conveying such Lands as shall be from Time to Time by them so Sold as aforesaid, which shall pass and convey to such Grantee or Grantees a good and absolute Title in the Premises. And the said *John Chandler*, *Samuel Dudley* and *Benjamin Flagg*, (or a major part of them) shall from Time to Time, as they shall collect all and every such Rates and Assesments in manner as aforesaid, pay in the same to the Treasurer of the said Town for the Time being, all and every such Rates and Assesments, to be by him disposed of to and for the Uses and Purposes the same were collected in manner as aforesaid, and for no other Use Intent or Purpose whatsoever. *Provided always*, That so much of the said Land (belonging to such Non-Resident Proprietor that hath hitherto neglected or doth still neglect to pay such Tax or Assesment as aforesaid) as shall be sold for the Uses and Purposes aforesaid, be apprizd by Three good and sufficient Freeholders under Oath, living within the County where the said Land lies. Any Order, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

An Indent sign'd *Thomas Sanders*, for sundries wanting on Board the Sloop *Endeavour*, (the Transport in His Majesty's Service)

Read, and committed to the Committee for Petitions.

Ordered, That the House come upon the Consideration of Allowances this Afternoon.

His Excellency's Message of the 23d Instant Read, and thereupon the following Order pass'd, *viz.*

In the House of Representatives, June 25. 1731.

Whereas the Platforms and many of the Carriages in His Majesty's Garrison at *Castle William* are very much gone to decay, the Brick and Stone [63] Work requires pointing and mending, more especially the tops of the Brick Copings, and several other Reparations are there needful to be made; and whereas it is necessary that the Batteries in *Boston*, *Salem*, *Charlestown* and *Marblehead* be Rebuilt, and that sundry Repairs are needful in the Forts at *Richmond*, *Winter-Harbour* and *Brunswick*, as also in the Truck-House on *George's River*, the doing whereof will demand a large Sum of Money;

Voted, That the same be accordingly effected, and that there be a Grant made to His Majesty of such Sum and Sums of Money as shall be necessary, and to be applied to and for that Purpose, to be brought into the Treasury again by a Tax upon Polls and Estates by Ten equal Payments, to commence on and from the last Day of *December*, which will be in the Year of Our Lord *One Thousand Seven Hundred and Forty One*; and that a Committee be appointed by this Court to see the said Work compleated, and that a Bill be prepared accordingly; the Cost and Charge arising upon the said Work, to be computed in the said Bill.

Sent up for Concurrence.

A Bill intituled, *An Act for the making and emitting of the Sum of Fifty Tounsand Pounds in Bills of Credit on this Province, Redeemable by Silver and Gold.* Read a First Time.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Voted, That the Affair of the Allowances be deferred.

The Bill intituled, *An Act in further addition to an Act, intituled, An Act in addition to the Act for upholding and regulating of Mills, made in the Twelfth Year of the Reign of the late Queen Anne.* Read a Third Time, and the Question being put, *Whether the same pass to be Ingross'd?* It pass'd in the Negative.

Ordered, That Mr. Cooke, Mr. Welles, Mr. Choat, Mr. Lynde and Mr. Shove,

be a Committee to prepare the Draught of a Bill for Upholding and Regulating of Mills.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati Die 26. Junij, A. D. 1731.

THE House took into Consideration the Affair of the Bridge over *Swan-Pond* Creek, and *Voted*, That the Sum of *Thirty Pounds* is due from Mr. *Richard Milbury* to Mr. *John Stackpole*, and that the same ought to be paid accordingly. Sent up for Concurrence.

Ordered, That the Sum of *Ten Pounds* be allowed and paid out of the publick Treasury to Mr. *Richard Milbury*, for his Care and Trouble respecting the Cart Bridge lately built over *Swan-Pond* Creek.

Sent up for Concurrence.

Ordered, That the Bill for emitting the Sum of *Fifty Thousand Pounds* have a second Reading on *Tuesday* next, Three a Clock Afternoon.

Then the House Adjourned till *Monday* next, Five a Clock in the Afternoon.

BOSTON: Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1731. [65]

VOTES

Of the House of Representatives.

Lunæ Die 28. Junij, A. D. 1731.

A Memorial of *John Young*, praying, That a Petition he preferred to this Court some time in *December* or *January* last, may be again revived and considered of, for Reasons mentioned. Read.

A Memorial of *John Elder*, praying, That a Petition of his preferred to this Court in the Month of *December* or *January* last, may be revived and taken under Consideration, for Reasons mentioned. Read.

Mr. *Cooke* from the Committee for Petitions, reported on the Indent of *Thomas Sanders*, Master of the Sloop *Endeavour*, Read, accepted, and Ordered, That Mr. Treasurer be, and hereby is directed to supply the said *Thomas Sanders* with the several Articles mentioned in the said Indent, (excepting the Iron Pot) the said *Sanders* to pass his Receipt therefor to the Treasurer, and to be accountable for the same.

Sent up for Concurrence.

On the Petition of *Seth Aldrich*, *Samuel Thayer* and others, entred the 23d Instant, Read, accepted, and (for that if the Petitioners have suffered as is therein suggested, the Town of *Mendon* may right them) Ordered, That the Petition be dismiss'd.

Then the House Adjourned till to Morrow Morning Ten o' Clock,

Martis Die 29. Junij, A. D. 1731.

THE Bill for supplying the Treasury with the Sum of *Five Thousand Four Hundred Pounds*, Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

The Petitions of *John Elder* and *John Young*, praying as entred Yesterday, both Read again, and Ordered, That the said Petitions be dismiss'd.

Ordered, That Mr. Secretary lay before this House an Account of what Grants of Money have been made since the Twenty Sixth of *May* last. [66]

A Petition of *William Ward*, in the Name and by Order of the Committee of the Town of *Newtown*, also a Petition of *Francis Bowman* Esq; in behalf of the Committee of *Lexington*, praying the Court to take under Consideration that part of their Petitions, (preferred in *February* last) which relates to the rebuilding of the great Bridge over *Charles-River* in *Cambridge*, for Reasons mentioned. Read.

William Pepperel Esq; brought down from the Honourable Board, the Petition of *Job Almy* Esq; and *Thomas Manchester*, Agents for and in behalf of the Proprietors of the Lands called *Punchatasset Purchase*, in the Town of *Tiverton*, entred the 23d. of *February* and 20th. of *December* last. Pass'd in Council, viz. In Council, *June 24. 1731.* Read again, and

Ordered, That the prayer of the Petition be so far granted, as that *Samuel Thaxter* Esq; (with such as shall be join'd by the honourable House of Representatives) be a Committee to view the Land within-mentioned, and hear the Parties thereon, and that they Report to this Court at their next Session, upon what point of the Compass the Boundary Line between *Punchatasset Purchase* and *Little-Compton* ought to run.

Sent down for Concurrence. Read and Non-concurred.

Ordered, That *Mr. Cooke*, *Mr. Welles* and *Mr. Bird*, (with such as shall be joined by the Honourable Board) be a Committee to see to the effecting of the following Repairs at *Castle William*, viz. The upper Platform, the *East Head* of the Island, to be secured by Piles, Timber, and a sufficient Quantity of Stone, the Stone and Brick Wall with the Copeings that are defective, and that the Sum of *Two Thousand Pounds* be advanced out of the publick Treasury, and put into the Hands of the said Committee, to enable them to finish the Repairs above-mentioned; the said Committee to be accountable to this Court. Sent up for Concurrence.

Upon a Motion made therefor, (and the Vouchers for the several Payments therein-mentioned being produced) the House again took into Consideration the Accompt of *Samuel Checkley* Esq; Treasurer of the County of *Suffolk*, and *Ordered*, That *Messieurs Thomas Cushing*, *Stephen Hall* and *Joseph Mason*, be a Committee to examine the same, and make Report.

Isaac Winslow Esq; brought down from the Honourable Board, the Bill for supplying the Treasury with the Sum of *Five Thousand Four Hundred Pounds*, pass'd in Council, viz. In Council, *June 28. 1731.* Read twice and concurred with the Amendment.

Sent down for Concurrence. Read and Concurred.

William Pepperel Esq; brought down from the Honourable Board, a Petition of *Joseph Wanton* and *Richard Borden*, for and in behalf of Friends, the People called *Quakers*, Inhabitants within this Province, praying this Court to Repeal sundry Acts or Laws relating to Persons of their Profession, for Reasons mentioned. Pass'd in Council, viz. In Council, *June 29. 1731.* Read, and

Ordered, That *William Dudley* and *Jonathan Remington* Esqrs. with such as shall be joyned by the Honourable House of Representatives, be a Committee to consider this Petition, and Report as soon as may be what may be [67] proper for this Court to do thereon. Sent down for Concurrence.

Read and concurred, and *Ordered*, That Mr. *Welles*, Col. *Church* and Mr. *Almy*, be joyn'd in the Affair.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Agreeable to the Order of the Day, the Bill for *making and emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province, Redeemable by Silver and Gold*, had a second Reading, and after a long Debate,

Ordered, That the said Bill be committed to the Gentlemen appointed for the Draught thereof, in order to make such Amendments as may be thought proper, and that Col. *Stoddard* be added to them.

A Message from the Honourable Board by *Ebenezer Burrel* Esq; to know if any thing was like to come up this Afternoon.

Ordered, That Major *Chandler* go up with a Message to the Honourable Board, to inquire what they have done on the Vote of the 17th. Instant, referring to the opening of Six new Townships. Who return'd he had deliver'd the Message, and was inform'd that the Board had referred the Consideration thereof to the next Session.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurij Die 30. Junij, A. D. 1731.

A Plan of Two Hundred Acres of Land granted to Capt. *Benjamin Wright* of *Northfield*, in the Year 1728, presented for Confirmation. Read, and

Ordered, That the Land therein delineated and described, be, and hereby is confirmed unto the said *Benjamin Wright*, his Heirs and Assigns for ever, provided the same do not exceed the Quantity of Two Hundred Acres, nor interfere with any other or former Grant.

Sent up for Concurrence.

A Motion being made, that the Petition of *Samuel Hunt* of *Billerica*, in behalf of himself and sundry others, Inhabitants of this Province, (praying as entred the 19th. of *March* and 1st. of *January* last) might be revived, the said Petition was accordingly Read and Revived, and

Ordered, That the prayer of the Petition be so far granted, as that the Petitioner and his Associates, have leave by a Surveyor and Chain-men on Oath, to lay out a Township of the Contents of Six Miles square, at or as near the Place petitioned for, as may be, in the unappropriated Lands of this Province, and return a Plan thereof to this Court within one Year for Confirmation; and that the said Township be, and hereby is granted to such Persons as were either Slain, or are since deceased, that were in the Fight above *Northfield*, called, *The Falls Fight*, their Heirs and Assigns for ever. Provided the Gran-

tees do within the space of Four Years settle Sixty Families at the least in the said Town, each of which shall have a Dwelling-House of Eighteen Feet square, and Five Acres of Land brought to *English Grass*, or broke up and fit for Plowing, also settle an orthodox Minister and build a House for the publick Worship of God, lay out a Home lot for the [68] first settled Minister, and one for the Ministry, each of which to draw a Seventieth part of said Town, also a Lot for the School; and *Henry Dwight Esq;* is hereby desired to be present at the laying out of the said Town, and see that the same be so done as not to discommode another Town, in case the Land where the said Town shall be laid, will admit of making Two Townships. Sent up for Concurrence.

The Bill intituled, *An Act in addition to an Act*, intituled, *An Act for regulating of Tanners, Curriers and Cordwainers, made and pass'd in the Tenth Year of the Reign of King William the third.* Read a second Time, and re-committed.

Benjamin Lynde Esq; brought down from the Honourable Board the Vote of Yesterday referring to Repairs of Castle *William*, pass'd in Council, viz. In Council, *June 29. 1731.* Read and concurred, and *William Dudley* and *Joseph Wadsworth Esqrs.* are joyn'd in the Affair. *June 29. 1731.* A Motion being made, *Voted*, That the Vote above be re-considered. In Council, *June 30. 1731.* Read again, and concurred with the Amendments. Sent down for Concurrence. Read and concurred with an Amendment.

Sent up for Concurrence.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

A Motion being made, the House re-considered their Vote of the Forenoon, for concurring the Vote of the Honourable Board, on the Vote of the House referring to Repairs at Castle *William*; and taking into Consideration the Vote of the Honourable Board, for re-considering their Vote, are of opinion, That it is not adviseable for this House to act thereon, inasmuch as the Vote of the House, was, on the 29th. Instant concurred by the Honourable Board, and Sign'd by the Secretary.

Mr. Secretary brought down from the Honourable Board, an Ingross'd Bill intituled, *An Act for supplying the Treasury with the Sum of Five Thousand Four Hundred Pounds.* Read, and pass'd to be Enacted.

Voted, That the Committee appointed the 17th. of *September* last, to inspect the several Accompts of the Commissioners of the respective Counties within this Province, for the *l. 100,000* Loan, be desired to perform that Service in the Recess of this Court, and make Report at the next Session. And that the said Commissioners be, and hereby are desired and required forthwith to lay their said Accompts before the said Committee.

Ordered, That Maj. *Brattle* go up with a Message to the Honourable Board, to know whether the House may expect any thing from them this Afternoon. Who returned he had delivered the Message.

John Turner Esq; came down from the Honourable Board with a Petition of *Richard Borden*, Attorney for *Elizabeth Carter* of *Portsmouth*, in the Colony of *Rhode-Island*, Doctress, praying, That the said *Elizabeth Carter*, may be enabled to hold certain Lands within-mentioned, given by the last Will and Testament of her Brother *Thomas Carter*, to her, her Heirs and Assigns forever, in order to Sell the same for the Use and Purpose mentioned [69] in the Petition, for the Reasons therein mentioned. Pass'd in Council, *viz.* In Council, *June 30. 1731.* Read, and

Ordered, That the prayer of the Petition be so far granted, as that the Petitioner be, and hereby is impowered to make Sale of the Land within-mentioned, she attending the Law of the Province impowering Executors and Administrators to Sell Lands and other Real Estate; any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence.

Read.

As also a Message to inform the House that the Honourable Board had nothing before them, and to know whether any thing was like to come up from the House this Afternoon.

A Memorial of Mr. *Thomas Pierpoint*, praying an Allowance from the Court, for his Officiating as Chaplain at the Truck-House at *St. George's*, for the space of Eight Months. Read.

Then the House Adjourned till to Morrow Morning Nine a Clock.

VOTES

Of the House of Representatives.

Jobis Die 1. Julij, A. D. 1731.

O *Ordered*, That the Petition of *Timothy Ruggles* and others, (entred the 17th. of *June* last) be referred for Consideration to the next Session.

An Account of *John Procter*, for Writing, amounting to *Three Pounds fifteen Shillings*, presented for Allowance. Read.

The House upon a Motion made, re-considered their Vote of the 29th. of *June* last, for Non-concurring the Vote of the Honourable Board, of the 24th. of the said Month, on the Petition of *Job Almy* Esq; and *Thomas Manchester*, (entred the 30th. of *December* last) and concurred the Board in their said Vote, and *Ordered*, That Mr. *Shove* and Mr. *Bisby*, be joyn'd in the Affair. Sent up.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Petition of *Richard Borden*, Attorney to *Elizabeth Carter*, entred Yesterday, Read again, together with the Vote of the Honourable Board thereon, and the House Non-concurred the said Vote.

Mr. *Cushing* from the Committee, to whom was referred the Account of the Treasurer for the County of *Suffolk*, Reported, Read, and *Ordered*, That the said Account be re-committed to the same Committee.

William Pepperel Esq; came down with a Message from the Honourable Board, to know whether any thing was like to come up this Afternoon, the Board having nothing before them.

Voted, That the Affair of the great Bridge in *Cambridge* be referred till to Morrow Morning.

Then the House Adjourned till to Morrow Morning Nine a Clock. [72]

Veneris Die 2. Julij, A. D. 1731.

A Greeable to the Order of the Day, the House entred upon the Consideration of the Petitions of *Newton* and *Lexington*, and the Questions were severally put, *Whether the prayers of the said Petitions be granted?* And pass'd in the Negative.

A Memorial of *John Hayes*, Keeper of the *Light-House* in *Boston*, praying the Court to take under Consideration a Petition he exhibited to them in *Sep-*

tember last, and that such an Allowance may be made him out of the publick Treasury, for the Service therein-mentioned, as they shall think fit, for Reasons mentioned in the Petition. Read, and

Ordered, That the Sum of *Twenty Pounds* be allowed and paid out of the publick Treasury to the Memorialist, in full Discharge for his said Service.

Sent up for Concurrence.

The Bill for making and emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province, Redeemable by Silver and Gold. Read a third Time, and pass'd to be Ingross'd. Sent up for Concurrence, by Mr. Lynde, Mr. Thacher and Mr. Lemmon.

A Plat of Fifty Acres of Land granted to *Eleazer Warner* of *Brookfield*, sometime in *September* last, presented for Confirmation. Read, and

Ordered, That the Land therein delineated and described, be, and hereby is confirmed unto the said *Eleazer Warner*, his Heirs and Assigns for ever, provided the same do not exceed the Quantity of Fifty Acres, nor interfere with any other or former Grant.

Sent up for Concurrence.

Then the House Adjourned to Three a Clock Afternoon.

Post Meridiem.

A Petition of *Joseph Sherman* and others, Inhabitants of the *Northerly* part of the Town of *Marshfield*, together with part of the Town of *Scituate*, praying, That a Committee might be sent (at the Charge of the Petitioners) to view their Circumstances, in order to be erected into a distinct and separate Town or Precinct, agreeable to the Bounds mentioned in a Petition of theirs formerly exhibited to this Court, for Reasons mentioned.

Read.

Simonds Epes Esq; brought down from the Honourable Board, a Bill intituled, *An Act further to exempt Persons commonly called Anabaptists, and those called Quakers, within this Province, from being Taxed for and towards the Support of Ministers.* Pass'd in Council, viz. In Council, *July 1. 1731.* Read. 2d. Read a second Time, and pass'd to be Ingross'd. Sent down for Concurrence. Read.

Mr. *Cooke* from the Committee appointed to consider of the Report of the Committee to inspect Mr. Treasurer's Accompts, Reported, Read and Accepted.

Mr. *Cooke* from the Committee for Petitions, Reported on the Indent of *William Barnsdale*, (entred the 16th. of *June* last) That they had considered [73] the Articles contained in the said Indent, and apprehended that many of them did not belong to the Gunners Stores, but think it best for the commanding Officer of that Garrison to lay before this Court an Indent of

what Stores are wanting for that Fortress, who only ought to be accountable to this Court. Read and accepted.

On the Petition of *Robert Davis*, (entred the 6th. of *June* last) Read, Accepted, and *Voted*, That the Petition be dismiss'd.

On the Account of *Hassanamisco* Trustees, (entred the 29th. of *May* last) Read, Accepted, and *Voted*, That the Accountants be discharged of the Sum of *One Hundred Fifty Nine Pounds Eighteen Shillings and six pence*, disbursed on Account of the *Indians*, and that they further Account to this Court for the *Fifty Eight Pounds and eight pence*, Balance remaining in their Hands, and also for the principal Stock belonging to the *Indians*.

Sent up for Concurrence.

William Pepperel Esq; brought down from the Honourable Board, a Report of the Committee of both Houses, appointed the 24th. of *June* last to consider of the Memorial of *Nathan Webster*, &c. Pass'd in Council, *viz.* In Council, *July 2. 1731*. Read and not Accepted.

Sent down for Concurrence. Read and Non-concurred.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati Die 3. Julij, A. D. 1731.

THE Bill to *exempt Anabaptists and Quakers from being Taxed toward the Support of Ministers*. Read a second Time.

The Report of the Committee on the Petition of Messieurs *Webster* and *Hazen*, Read again, and the House re-considered their Vote of Non-concurrence, and Concurred the Honourable Board in not accepting of the said Report. And taking into Consideration the prayer of the said Petition,

Voted, That (inasmuch as there are Courts of Justice established by Law, before whom Matters of that Nature are properly cognizable) the same be dismiss'd.

Sent up for Concurrence.

Then the House Adjourned till *Monday* next, Five a Clock in the Afternoon.

BOSTON: Printed by *Thomas Fleet*,
Printer to the Honourable House of Representatives. 1731. [75]

VOTES

Of the House of Representatives.

Lunæ Die 5. Julij, A. D. 1731.

Thomas Palmer Esq; brought down from the Honourable Board, a Memorial and Representation of the major part of the Selectmen of the Town of *Malden*, for themselves and many others, Inhabitants of that Place, setting forth, that sundry Persons there are preparing to erect a new Meeting house, and design within a few Days to raise the same, which will (as they suggest in their Petition) tend to the Ruine of the Town, praying therefore the Court's Care and Relief in the Premisses, and by some proper Resolve to order the Persons so intending as aforesaid, to desist raising the said House, for Reasons mentioned. Pass'd in Council, *viz.* In Council, July 5. 1731. Read, and

Ordered, That the Petitioners serve *Joseph Bucknam, James Barret and Jonathan Sergeant*, with a Copy of this Petition, that so they may shew cause (if any they have) on *Friday* the 9th. Instant, why the prayer thereof should not be granted, and that no further proceedings be had as to the Building a new Meeting-house in *Malden*, in the mean time. Sent down for Concurrence. Read and Non-concurred, and the Question put, *Whether the prayer of the Petition should be granted?* And it pass'd in the Negative. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Martis Die 6. Julij, A. D. 1731.

THE Bill to *exempt Anabaptists and Quakers from being Taxed toward the Support of Ministers.* Read a third Time, and concurred with an Amendment.

A Memorial of *Samuel Royal*, for and in behalf of his Brother *Isaac Royal*, at present of the Island of *Antigua*, Esq; praying that the Duty or Impost of Six Negroes, brought into *Boston* sometime in *May* last, might be remitted, for Reasons mentioned. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

Then the House Adjourned till Three a Clock Afternoon. [76]

Post Meridiem.

Timothy Gerrish Esq; brought down from the Honourable Board, the Bill for making and emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province, Redeemable by Silver and Gold. Pass'd in Council, viz. In Council, July 2. 1731. Read. 6th. Read a second Time, and pass'd a Concurrence with the Amendments. Sent down for Concurrence.

Read.

As also a Petition of *William* and *John Allen* of *Boston*, Merchants, praying, That they may be enabled, at the next Superiour Court in *Boston*, to review an Action (by them lost at the last Superiour Court) by leaving a Copy of the Writ with *John Osburn* Esq; and others, Attorneys for *Samuel Sidebotham* and others, Assignees of *Richard Yardley* of *London*, Merchant, for Reasons mentioned. Pass'd in Council, viz. In Council, July 6. 1731. Read, and

Ordered, That the Petitioners serve *John Osburn* Esq; with a Copy of this Petition, that so he may shew cause on *Friday* next, why the prayer thereof may not be granted.

Sent down for Concurrence.

Read and Concurred.

An Accompt Sign'd *Joseph Marion*, for Writing, amounting to *Five Pounds Seven Shillings and six pence*. Read.

An Accompt Sign'd *Thomas Hancock*, for Paper, Printing and Stitching the Reverend Mr. *Fisk's* Sermon preach'd at the last Anniversary Election, amounting to *Twenty Eight Pounds Fourteen Shillings and six pence*. Read.

An Accompt Sign'd *William Coffin*, for sundries expended on Committees of this Court from the 18th. of *April*, 1731. to the 6th. of *July* following, amounting to *Twenty Seven Pounds Six Shillings and eight pence*. Read.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurij Die 7. Julij, A. D. 1731.

THE Bill for making and emitting the Sum of *Fifty Thousand Pounds* in Bills of Credit on this Province, Read again, and the House concurred all the Amendments except that at G, and adhere to the Bill as now amended. Sent up for Concurrence.

A Memorial of *Samuel Wait*, *John Wilson* and *Samuel Tufts* of *Malden*, for themselves and others, praying, That the Court would again take under Consideration a Petition they lately preferred to this Court, and grant them Relief in the Affair therein-mentioned, and that in order to a full understanding thereof, they may have a Hearing, for Reasons mentioned. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

A Bill intituled, *An Act in addition to and for explanation of an Act, intituled, An Act in addition to the Act for upholding and regulating of Mills.*

Read a first time. [77]

A Petition of *Joseph Stockbridge* of *Hanover*, setting forth, That he had a Controversy in the Law, with one *Job Otis* of *Scituate*, for inroaching upon certain Land of the Petitioner's, to end which, he was perswaded into a Rule of Court, which proved much to his Disadvantage, praying, (for Reasons mentioned in the Petition) That he may have another Hearing, notwithstanding the Report of the Referres, and that a Committee of this Court (upon the Petitioner's own Cost and Charge) may be sent to view the Lands and inquire into the Premisses, in order to his being Relieved by this Court. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

The Bill for *supplying the Treasury with the Sum of Seven Thousand Nine Hundred and Forty Seven Pounds Six Shillings*, Read a third Time, and pass'd to be Ingross'd. Sent up for Concurrence, by Col. *Gorham*, Maj. *Epes* and Maj. *Brattle*.

Jonathan Remington Esq; brought down from the Honourable Board, the Bill for making and emitting the Sum of *l. 50,000* in Bills of Credit on this Province. Pass'd in Council, *viz.* In Council, *July 7. 1731.* Read and Non-concurred, and the Board insist on their Amendment therein at G, with the further Amendment at K, *viz.* Twenty instead of Thirty.

Sent down for Concurrence. Read and Non-concurred, and

Ordered, That Mr. *Cooke*, Mr. *Lynde*, Mr. *Welles* and Mr. *Shove*, be a Committee to confer with a Committee of the Honourable Board, about the matter in Controversy.

Then the House Adjourned till Four a Clock Afternoon.

Post Meridiem.

Samuel Thaxter Esq; brought down from the Honourable Board, the Petition of *Pierson* and *Jacob Richardson*, entred the 11th. of *June* last. Pass'd in Council, *viz.* In Council, *June 16. 1731.* Read and Non-concurred. *July 7. 1731.* Read again, and re-considered, and Voted a Concurrence with the Order of the Honourable House, with an Amendment at A, *viz.* on the first *Tuesday*.

Sent down for Concurrence. Read and concurred.

A Petition of *Zechariah Fitch* of *Boston*, Leather-Dresser, Guardian to and on behalf of *James Kebby* of *Reading*, a Person *non Compos mentis*, praying, That the Court would grant to the said *James Kebby*, as Assignee of the Heirs or Assigns of *Nathanael Walker* and *Francis Adams*, named in the Petition, two other Tracts of Land in some other convenient places, in Lieu of and as

an equivalent for Two Hundred and Four Acres granted to the said *Walker* the 28th of *April*, 1688, and of One Hundred and Fifty Acres granted to the said *Adams* the 15th. of *May* 1672, for Reasons mentioned

Read.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

B O S T O N: Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1731. [79]

VOTES

Of the House of Representatives.

Jobis Die 8. Julij, A. D. 1731.

THE Bill intituled, *An Act in addition to and explanation of an Act, intituled, An Act in addition to the Act for upholding and regulating of Mills.* Read a second Time.

The Petition of the Select-men of *Attleborough*, entred the 23d. of *February* last, (which was on the 2d. of *March* following, referred for Consideration to this Session) Read again, (together with a Petition of *Abiah Carpenter* and sundry others, non-resident Proprietors of the said Town) and

Ordered, That the prayer of the said Petition be granted, and that the Assessors of the said Town, be and hereby are impowered to Assess the Owners of the Land within mentioned the Sum of *One Hundred Pounds*, in proportion to their Value, and the Benefit that may accrue to the Non-residents by the Charge within-mentioned, and that the Constable or Constables of the said Town, be and hereby are impowered to collect the same accordingly, and pay it into the Treasury of the said Town, to be applied to and for defreying the Charge within-mentioned, and to and for no other Use, Intent or Purpose whatsoever. The said Assessors to post up Notifications of this Order in some publick Place within the said Town: And in case any of the said non-resident Proprietors shall for the space of Forty Days after such Notification, neglect to pay such Tax or Assessment as shall be laid on them for the Use aforesaid, so much of their Lands shall be Sold as will answer therefor, the said Land so Sold to be apprizd by three good and sufficient Freeholders of the Neighbouring Towns, upon Oath, and Notification of such Sale to be posted up in some publick Place within the said Town, and in the Towns of *Rehoboth* and *Norton*, and in the Shire Town of the said County, Forty Days before-hand: Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Ebenezer Burrel Esq; brought down from the Honourable Board, a Memorial of *Joseph Kellog*, Truck-master at the Truck-House above *Northfield*, praying for an Allowance out of the publick Treasury for half a Barrel of [80] Powder, to the Value of *Ten Pounds*, which he lost by the staving of the Cask in transporting thereof, and for Three Yards of Scarlet Cloth, (short Measure) and the Sum of *Ten Pounds Ten Shillings* by him expended on some *French Maquas* that were at that Truck-house in *April* 1730, to confirm the Covenant of Peace, the present Circumstances of the said Truck-house, &c.

Read, and committed to the Committee for Petitions.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

John Osborn Esq; brought down a Bill intitled, *An Act to subject the unimproved Lands within this Province, belonging to non-resident Proprietors, to be Sold for payment of their proportionable parts of the publick Taxes or Assessments.* Pass'd in Council, viz. In Council, July 7. 1731. Read. 8th. Read a second Time, and pass'd to be Ingross'd. Sent down for Concurrence.

Read.

The Petition of *Zachariah Fitch*, Guardian of *James Kebby*, entred the 7th. Instant, Read again, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris Die 9. Julij, A. D. 1731.

THE Bill intitled, *An Act in addition to and Explanation of an Act intitled, An Act in addition to the Act for upholding and regulating of Mills.* Read a third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

The Bill to *subject the unimproved Lands within this Province, belonging to non-resident Proprietors, to be Sold for Payment of their proportionable parts of publick Taxes or Assessments.* Read a second Time.

Ordered, That *Mr. Little* go up with a Message to the Honourable Board, to inquire whether they have pass'd on the Bill for the Supply of the Treasury. Who return'd he had delivered the Message, and was informed by *Mr. Secretary*, That they had Non-concurred the same.

The House entred upon the Consideration of several Amendments proposed to be made on the Bill for making and emitting the Sum of *Fifty Thousand Pounds*, and the said Amendments were severally put to Vote, and said Bill pass'd a Concurrence with the said Amendments.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Petition of *Messieurs William and John Allen*, entred the 6th. Instant, pass'd in Council, viz. In Council, July 9. 1731. Read again, together with the Answer of *John Osburn Esq; &c.* and the same being fully considered,

Ordered, That the prayer of the Petition be granted, and that the Petitioners have liberty to bring their Action of Review in the Cause within-[81]mentioned, at the next Superiour Court of Judicature to be holden in *Boston*, for the County of *Suffolk*, by leaving a Copy of the Writ with the said *John*

Osburn Esq; and that the Justices of the Superiour Court are impowered and directed to hear and determine the said Action accordingly: Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and concurred.

The following Order brought down from the Honourable Board, *viz.*

In Council, July 9, 1731.

Whereas there are divers Indians of the Cagnawaga Tribe arrived here from Canada, to pay their Respects to this Government, and to cultivate a good Agreement and Friendship with us, and several other Indians are come in from the Eastern parts;

Ordered, That *Samuel Thaxter* and *Thomas Cushing Esqrs.* (with such as shall be join'd by the honourable House of Representatives) be a Committee to consider what Presents may be proper to be made to the said *Indians* before their Return. Sent down for Concurrence.

Read.

The Bill for making and emitting the Sum of *Fifty Thousand Pounds* in Bills of Credit, pass'd on by the Honourable Board, *viz.* In Council, July 9. 1731. Read and concurred with the Amendments at \triangle L, M and N. Sent down for Concurrence. Read, and the Amendments at \triangle and N concurred, the other Non-concurred, and the Bill adhered to as now amended.

Sent up for Concurrence.

A Petition of *Joses Bucknam* of *Malden*, praying, That he may have leave to keep a Tavern there. Read, and

Ordered, That the prayer of the Petition be granted, and that the Justices of the General Sessions of the Peace for the County of *Middlesex*, be, and hereby are Authorized and Impowered, at their next Session within and for said County, to grant a Licence to the Petitioner, to be an Inholder within the said Town, and that he be allowed to keep a Tavern there in the mean time, provided he give Bond according to Law, to one or more of the Justices of the Peace for the said County: Any Law, Usage or Custom to the contrary notwithstanding.

Then the House Adjourned till to Morrow Morning Eight o' Clock,

Sabbati Die 10. Julij, A. D. 1731.

THE House met, and Adjourned till *Tuesday* next, Ten a Clock in the Forenoon.

VOTES

Of the House of Representatives.

Martis Die 13. Julij, A. D. 1731.

THE Message from the Honourable Board of the 9th. Instant, Read again, and Non-concurred, *nemine Contradicente*, and
Ordered, That the following Message be sent up to the Honourable Board, *viz.*

THE House of Representatives having not been made acquainted with the Business and Design of the *Indians* lately arrived in Town, except only what is but in part hinted by the Message of the Honourable Board of the 9th. Instant, which the House was not possess'd of till after the Adjournment of the Board, to this Day, have had no Opportunity to inquire into that Affair till now; and as they are always ready to promote and preserve a good Understanding with the *Indians* in Friendship with this Province, so they shall now be ready to proceed to the Consideration of what may be convenient to be done at this Time, as soon as they are apprized of this Matter, as has been accustomed in such Cases.

Sent up by Maj. *Brattle* and Maj. *Gerrish*.

Mr. Secretary came down from His Excellency with the following Message, *viz.*

Gentlemen of the House of Representatives,

S*ince the good People of this Province, whom you represent, enjoy such valuable Priviledges by the Royal Charter, it is surprizing to Me, that you should presume to Adjourn yourselves in open violation of it, for Three Days; If you are weary of the Liberties of your Country, I don't believe your Constituants are: What you have done in this Matter is the more disrespectful to His Majesty, in that your late Governour fairly warned the House of Representatives of the Consequence of such Proceedings in his Time. I hope I shall never have Occasion to observe these Things to you again, by your repeating so dangerous a Practice.*

J. BELCHER.

July 13. 1731. [84]

Paul Dudley and *Jonathan Remington* Esqrs. came down with a Message from the Honourable Board, to inquire what the House had done on their Message of the 9th. Instant, who were informed by Mr. Speaker, that the same was Non-concurred by the House.

Ezekiel Lewis Esq; brought down from the Honourable Board, the Bill for making and emitting the Sum of *Fifty Thousand Pounds*, pass'd in Council, *viz.* In Council, *July 13. 1731.* Read and Non-concurred, and the Board adhere to the Bill as last sent down.

Sent down for Concurrence. Read and concurred.

Samuel Thaxter & Spencer Phipps Esqrs. came down with a Message from His Excellency & the Honourable Board, to acquaint the House, that the Design of the *Indians* in coming into these Parts, was to pay a General Complement to the Government, and that Mr. Secretary (then present also) would read to the House the Conference that was lately had with those *Indians* in the Council Chamber, which Mr. Secretary accordingly did, and then they withdrew.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

His Excellency's Message of this Morning, Read again, and *Ordered*, That *Mr. Welles*, *Mr. Bisby*, *Mr. Cushing*, *Mr. Choat*, *Mr. Alden* and *Mr. Hobson*, be a Committee to prepare the Draught of an Answer thereto, and make Report as soon as may be.

Ordered, That *Mr. Choat* go up with a Message to the Honourable Board, to desire that the Minutes of the Conference had with the *Indians* in the Council Chamber the 6th. Instant, may be sent down. Who returned he had delivered the Message. The said Minutes were accordingly bro't down by Mr. Secretary. Read, and

Ordered, That *Mr. Cooke*, *Mr. Rice*, *Maj. Brattle*, *Mr. Welles*, *Mr. Fellows*, *Mr. Bradford*, *Mr. Lemmon*, *Maj. Bowles* and *Mr. Hall*, be a Committee to confer with those *Indians*, in order to a more full understanding of their Quality and Circumstances, and the End and Design of their coming here, and make Report what may be proper to be done by way of Present to them.

Ebenezer Burrel Esq; came down with a Message from the Honourable Board, to know if any thing was like to come up this Afternoon.

Ordered, That *Mr. Hobson* go up with a Message to the Honourable Board, to acquaint them, that nothing was like to come up this Evening.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Mercurij Die 14. Julij, A. D. 1731.

AN Ingross'd Bill intituled, *An Act for Erecting a new Town in the County of Hampshire, called Brimfield.*

Read, and pass'd to be Enacted.

Then the House Adjourned till Three a Clock Afternoon. [85]

Post Meridiem.

The House met and Adjourned till to Morrow Morning Nine o' Clock.

Jobis Die 15. Julij, A. D. 1731.

THE House met and Adjourned till Four a Clock Afternoon.

Post Meridiem.

Mr. *Cooke* from the Committee to confer with the *Indians* lately come here, &c. Reported, Read, Accepted, and thereupon

Voted, That a parcel of Goods to the Value of *One Hundred and Fifty Pounds*, mentioned in the Schedule or Invoice by them presented, be purchased out of the Money lying in the Treasurer's Hands, for carrying on the Trade with the *Indians*, which Goods are be disposed of by way of Present to the *Cagnawaga* and *Saco Indians*, now here, by His Excellency the Governour, in behalf of this Government, in such Proportion as this Court shall Order. And that the further Sum of *One Hundred Pounds* of the same Money be granted to purchase Three Barrels of good Pistol Powder and Shot, to be presented by this Government to the *Cagnawaga Indians*, the Powder and Shot to be lodged at the Block-house above *Northfield*, the Commanding Officer there, immediately after his receiving thereof, to acquaint the Tribe of *Indians* therewith, that they may come and distribute the same to and among themselves; And that Mr. *Cooke*, Mr. *Hall* and Mr. *Welles*, (with such as the Honourable Board shall appoint) be a Committee to purchase the aforesaid Goods, and prepare a Distribution thereof for the Court's Approbation. The Committee to sit forthwith.

Sent up for Concurrence.

Ebenezer Stone Esq; brought down from the Honourable Board, a Petition of *Benjamin Silvester* of *Scituate* in the County of *Plimouth*, praying (for Reasons therein-mentioned) That he may be enabled, at the next Superior Court, to be held at *Bristol* within and for the County of *Bristol*, *de novo*, to bring forward and prosecute an Appeal from a Judgment obtained against him at an Inferior Court held at *Bristol* aforesaid, in *July 1729*, by one *Ebenezer Edy* of *Norton*, (his failing of Prosecuting his former Appeal from said Judgment, notwithstanding) pass'd in Council, *viz.* In Council, *July 15. 1731.* Read, and

Ordered, That the prayer of the Petition be so far granted, as that the Petitioner be enabled to bring his Writ of Review of the Action above referred to, at the next Superior Court of Judicature to be held at *Bristol*, for the County of *Bristol*, and the Justices of the said Court are empowered and directed to hear and Determine the said Action accordingly; The Costs

to remain as they are: Any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence. Read, and concurred with an Amendment

Joseph Wadsworth Esq; brought down from the Honourable Board, the Vote for a Present to the *Indians* Pass'd in Council, *viz.* In Council, *July 15. 1731.* Read and concurred with the Amendments, and *Samuel Thaxter* [86] and *Thomas Cushing* Esqrs. are joyn'd in the Affair. Sent down for Concurrence. Read, and the Amendment at A concurred; B Non-concurred, and the House adhere to the Vote as now amended.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Veneris Die 16. Julij, A. D. 1731.

P*aul Dudley* and *Ezekiel Lewis* Esqrs. brought down from the Honourable Board the Vote for a Present to the *Indians*, pass'd in Council, *viz.* In Council, *July 16. 1731.* Read and Non-concurred, and the Board insist on their Amendment with the further Amendment at C.

Sent down for Concurrence.

Also a Message proposing that a further Sum be added. The House took into Consideration the Amendments of the Honourable Board, and pass'd a Concurrence thereon, and *Voted* an additional Sum of *Fifty Pounds.*

Sent up.

An Ingross'd Bill *for making and emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province, to be Redeemed by Silver and Gold.*

Read and pass'd to be Enacted.

Mr. Speaker communicated a Letter of Excuse from *Exra Bourn* Esq;

The Bill to *subject the unimproved Lands within this Province, belonging to non-resident Proprietors, to be Sold for Payment of Taxes or Assessments; levied on them by Order of the Great and General Court.* Read and Concurred the Amendments as taken into a new Draught.

Sent up for Concurrence.

Then the House Adjourned till Four a Clock Afternoon.

Post Meridiem.

Ordered, That the following Message (prepared and *Voted* the 14th. Instant) be sent up to His Excellency the Governour, *viz.*

May it please Your Excellency,

THE House of Representatives are concerned, that You should in Your Message of Yesterstay, suggest the House had any weariness of the Priviledges contained in the Royal Charter.

We hope our Conduct has fully shewn our Tenderness for every Priviledge granted therein, and would also endeavour not to extend or strain any of them in our Favour, beyond their true and proper Intent; and cannot think but that we have acted conformably thereunto in the late Adjournment of the House Your Excellency refers to: For, as appears of Record, the House sat on *Saturday* and *Tuesday*, between which Days there was only the *Lord's Day* and *Monday*, that is no more than the space of Two Days, according to the very Words of the Royal Explanatory Charter, even tho' we should allow the Sabbath to be a Court or Parliament-Day, which we humbly conceive cannot be, by the constant Practice of the Parliaments not sitting on that Day; And if the *Lord's Day* be not a Court-Day, as we hum- [87]bly apprehend it is not, then the House adjourned over only one Day, and might if there had been Occasion, have adjourned for one Day further. And as the House humbly conceive they had good Right to adjourn for that space, so they were induced to adjourn to *Tuesday*, by Your Excellency's adjourning the Council (another Branch of this Court) to that Time: For the House had nothing lying before them unpass'd on, and waited for an Opportunity to send up to the Honourable Board for their Concurrence, the Bill for Emitting the *Fifty Thousand Pounds* to be redeemed with Silver and Gold, which the House had pass'd on before their Adjournment, and could not send up to the Board, till the Time the House adjourned to, because the Board was not to sit (by Your Excellency's Order) till that Time.

Ordered, That Maj. *Brattle*, Col. *Gorham* and Capt. *Bowman*, go up with the said Message. Who returned they had delivered the same.

A Memorial of *Stephen Hall* and others, Selectmen of the Town of *Medford*, praying the Consideration of the Court as to a Sum of Money they were over-rated in the County Tax for the Year 1729, and for such Relief as the Court shall think fit, for Reasons mentioned. Read.

Ordered, That Mr. *Welles*, Mr. *Chandler*, Mr. *Hobson*, Mr. *Johnson* and Mr. *Lemmon*, be a Committee to examine the Claims of the *Narraganset* Soldiers that are already or hereafter may be brought in, and that they Report at the next Session their Opinion, who have made out the same.

Mr. Secretary came down from His Excellency with the following Message, viz.

GENTLEMEN,

HIS Excellency directs, that this Great and General Court be adjourned till Monday next, Ten o'Clock in the Forenoon, and the said Court is accordingly adjourned.

VOTES

Of the House of Representatives.

Lunæ Die 19. Julij, A. D. 1731.

THE House met and Adjourned till Three a Clock Afternoon.

Post Meridiem.

Mr. *Cooke* from the Committee for Petitions, reported on the Memorial of Capt. *Joseph Kellog*, entred the 8th. Instant, Reported, Read, Accepted, and

Ordered, That the Memorialist be allowed out of the publick Treasury, for the half Barrel of Powder, and the Three Yards and half of Scarlet Cloth at the Rate he was charged therefor; and the Sum of *Ten Pounds Ten Shillings* be expended in entertaining the *Indians*; the said *Kellog* to apply to Mr. *Laughton*, (of whom he purchased the Cloth) for Satisfaction for the Short Measure, and when obtained, to return the same into the Treasury; and that Mr. Treasurer supply the said Capt. *Kellog* with Materials for covering and repairing of the Block-house, as also for building a Room or separate Apartment for a Store-house behind the same.

Sent up for Concurrence.

An Ingross'd Bill intituled, *An Act to subject the unimproved Lands within this Province, belonging to non-resident Proprietors, to be Sold for payment of Taxes or Assessments, levied on them by Order of the Great and General Court.*

Read, and pass'd to be Enacted.

The Memorial of the Select-men of *Medford*, praying as entred the 16th. Instant. Read again, and in Answer thereto,

Ordered, That the Justices of the Peace for the County of *Middlesex*, at their next Session, be, and hereby are impowered and directed to inquire into the Matter within complained of, and to abate the Town of *Medford* in the next County Rate for *Middlesex*, or re-imburse the said Town out of the County Treasury, so much as they paid more to the County Rate for the said County in the Year 1729, than would have been levied on them if they had paid in the Province Rate for that Year but *Twenty-four Pounds Two Shillings* only, forasmuch as the further Sum of *Twenty Pounds* which the [90] said Town paid to the Province Treasurer, was a Penalty laid on them for not sending a Representative in the Year aforesaid.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock,

Martis Die 20. Julij, A. D. 1731.

Ebenezer Burrel Esq; brought down from the Honourable Board the Petition of *Benjamin Silvester*, entred the 15th. Instant, pass'd in Council, viz. In Council, July 16. 1731. Read and Non-concurred, and the Board adhere to their Vote.

Sent down for Concurrence.

Read and Concurred.

Ordered, That the following Message be sent up to His Excellency the Governour, viz.

WHereas the House of Representatives have now sat more than Seven Weeks, in which Time a Bill for supplying the Treasury with Bills of Credit pass'd this House, and was concurred by the Honourable Board, which Bill not being consented to by His Excellency the Governour, the House used some further Endeavours for a Supply, which have proved ineffectual, and the House being of Opinion that they have proceeded in that Affair as far as they can, without manifest Prejudice to the just Rights and Priviledges of the People whom they represent, and it being now an extream busy Season; Therefore,

Voted, That a Message be sent to His Excellency the Governour, earnestly desiring him to give the Court a Recess.

Ordered, That Maj. *Brattle*, Col. *Gorham* and Mr. *Hall* go up with the said Message.

Samuel Thaxter Esq; brought down from the Honourable Board, the Report of a Committee on the Petition of *John* and *Hannah Brooks*, appointed the 18th. of *March* last, pass'd in Council, viz. In Council, July 20. 1731. Read, and

Ordered, That *John* and *Hannah Brooks* have leave to dispose of so much of their Right in the Common Lands in *Natick*, as will produce the Sum of *Fifty Pounds*, and that *Francis Fullam* Esq; and Mr. *John D'Aeth*, be desired and impowered to assist them, and to see that they have Justice done them in the Sale thereof, the Land to be Sold to the highest Bidders, publick Notice to be given of the Time and Place of Sale at least Ten Days before-hand, and the Produce of the Land to be applied for the Purposes mentioned in the said *Brooks's* Petition, and the Remainder thereof, (if any there be) to be disposed of according to the Discretion of the said *Francis Fullam* and *John D'Aeth*, for the Benefit of the Petitioners, as their Circumstances call for.

Sent down for Concurrence.

Read and Concurred.

A Message from His Excellency by Mr. Secretary to acquaint the House, that His Excellency purposes the *Indians* should go down to the Castle to Morrow about Twelve o'Clock, to view the Works there, which he has ac-

quainted the Board with, and proposed to them to appoint a Number of Gentlemen from among themselves to accompany him, and that if the House would also appoint a Number of their Members for that Purpose, it would be very acceptable to him. [91]

The House accordingly appointed Mr. Speaker, Mr. *Welles*, Mr. *Lynde*, Mr. *Cooke*, Mr. *Choat*, Maj. *Brattle*, Maj. *Gerrish*, Mr. *Lemmon*, Maj. *Bowles*, Mr. *Fowle*, Mr. *Hale*, Mr. *Bisby*, Mr. *Chandler* and Mr. *Bradford*, for the Purpose aforesaid.

Jonathan Remington Esq; came down with a Message from the Honourable Board, to inquire whether any thing was like to come up this Forenoon, who was answered by Mr. Speaker, That nothing was like to come up.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Message from His Excellency by Mr. Secretary, viz.

GENTLEMEN,

HIS Excellency Orders, that this Great and General Court be adjourned till Thursday next, Ten o' Clock in the Forenoon, and the same is accordingly adjourned.

Jobis Die 22. Julij, A. D. 1731.

MR. Speaker communicated to the House a Letter of Excuse from Mr. *Church*.

A Message from His Excellency by Mr. Secretary, to acquaint the House, that His Excellency has sent for the *Cagnawaga Indians* to the Council Chamber, in order to deliver them their Present, and desired the House to be present at the Delivery thereof.

Mr. Speaker and the House accordingly went up, and His Excellency having made a Speech to those *Indians*, and delivered the Present, Mr. Speaker and the House returned to their own Chamber.

Soon after which Mr. Secretary came down with another Message from His Excellency, to acquaint the House, that he had sent for the Three *Eastern Indians* in order to deliver them their Present, and that the House might be present if they saw cause.

Mr. Speaker and the House went up, and the Ceremony being perform'd, he with the House returned to their own Chamber.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Mr. *Cushing* from the Committee to consider of the Accompt of the Treasurer of the County of *Suffolk*, Reported, Read, and the Question put, *Whether the said Report be accepted, and that accordingly the said Accompt be allowed, except the Sum of Three Pounds Four Shillings overpaid Mr. Sheriff Winslow?* And it pass'd in the Negative.

A Remonstrance of *Henry Joslin*, one of the Constables of the Town of *Attleborough* in the County of *Bristol*, setting forth, that he was (while in the Execution of his Office in order to distrain for Rates from one *Samuel Fiske* of said Town) seiz'd by one *Job Bartlet*, by vertue of a Warrant from *Jo-[92] nathan Sprague* and *William Arnold* Esqrs. Justices of the Peace for *Smithfield* in the Colony of *Rhode-Island*, and commanded to Goal, where he is and like to be kept till relieved by this Court. Read.

Then the House Adjourned 'till to Morrow Morning, Nine a Clock.

Veneris Die 23. Julij, A. D. 1731.

THE Remonstrance of *Henry Joslin*, entred Yesterday, Read again, and Ordered, That Mr. *Cooke*, Mr. *Shove* and Mr. *Bisby*, with such as shall be join'd by the Honourable Board, be a Committee to consider thereof, and Report as soon as may be what may be proper for the Court to do thereon.

Sent up for Concurrence.

An Accompt Sign'd *John Procter*, for Writing, Read, and Ordered, That the Sum of *Forty Shillings* be allowed and paid out of the publick Treasury to the Accomptant, in full Discharge of the said Accompt.

Sent up for Concurrence.

A Petition of *Joseph Brown* of *Boston*, Distiller, praying, That if Copies of Three Writs of Review (which he hath taken out against one *Godfrey Malbone* of *Newport* in the Colony of *Rhode-Island*, for augmenting certain Judgments he obtained against the said *Malbone*, (and returnable to the Superiour Court to be held at *Boston* on the second *Tuesday* of *August* next) be left by the Sheriff of *Suffolk* or his Deputy, with *John Overing* Esq; (who has indorsed the said Writs as his Attorney) Fourteen Days before the sitting of the said Superior Court, then the Honourable Justices of the said Court be directed and impowered to Hear and Try the Three Actions reviewed by the Petitioner, as if the said Writs had been served on the Body or Goods of the Defendant *Malbone*, or that he may have such other Aid or Relief in the Premisses as this Court should see meet. Read, and

Ordered, That the Petitioner serve the adverse Party or his Attorney with

a Copy of the Petition, that so he may shew Cause (if any he have) at Four o'Clock this Afternoon, why the prayer thereof may not be granted.

Sent up for Concurrence.

Ordered, That Mr. *Shove* go up with a Message to the Honourable Board, to inquire whether any thing was like to come down this Forenoon.

Who returned he had delivered the Message.

Seth Williams Esq; brought down from the Honourable Board, a Bill intitled, *An Act in addition to the several Acts or Laws of this Province, for the Regulation of the Civilized Indians inhabiting this Province, and for preventing Oppression or Abuses to them.* Pass'd in Council, viz. In Council, July 22. 1731. Read. July 23. Read a second Time, and pass'd to be Ingross'd.

Sent down for Concurrence. Read.

Then the House Adjourned till Four a Clock Afternoon.

Post Meridiem.

A Petition of *Ebenezer Thornton* of *Boston*, Shipwright, praying the Court to inable him to bring forward his Action against one *John Seabury* of *Groton* in the Colony of *Connecticut*, for breach of a certain Covenant made [93] between the Petitioner and the said *Seabury*, by serving the said *Seabury's* Attorney with a Summons, which may be deem'd a good Service, and that *Seventy Pounds* recovered of the Petitioner by said *Seabury*, at an Inferiour Court held at *Boston* aforesaid, on the first *Tuesday* of last *April*, may be staid in the Attorney's Hands, subject to the Event of the Petitioner's said Action, or that the Petitioner may be otherwise relieved, as this Court shall see meet, for Reasons mentioned. Read, and

Ordered, That the Petitioner serve the adverse Party or his Attorney with a Copy of the Petition, that so he may shew Cause (if any he have) on the first *Friday* of the next Session, why the prayer thereof may not be granted, and that all further Process in the Law be staid in the mean time.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Eight a Clock.

Sabbati Die 24. Julij, A. D. 1731.

THE House met and Adjourned till *Tuesday* next, Ten o' Clock in the Forenoon.

BOSTON: Printed by *Thomas Fleet*,
Printer to the Honourable House of Representatives. 1731. [95]

VOTES

Of the House of Representatives.

Martis Die 27. Julij, A. D. 1731.

MR. Speaker communicated a Letter of Excuse from Mr. *Leighton*.
A Petition of *Thomas Debuke* of *Boston*, Victualler, praying, That he may be enabled, at the next Superior Court to be held at *Boston*, the second *Tuesday* in *August*, to file his Complaint against one *Samuel Cooper* of said *Boston*, Tailor, for not satisfying a Judgment the Petitioner obtain'd against him at an Inferior Court of Common Pleas held at *Boston* aforesaid, the first *Tuesday* of *July*, 1730, which the Petitioner's Attorney omitted the doing of in the proper Season for it: and that the Judges of the said Superior Court may be impowered to receive the same, and Act, and Do therein as if no such Omision had happened. Read, and

Ordered, That the Petitioner serve the adverse Party with a Copy of the Petition, that so he may shew Cause (if any he have) to Morrow in the Afternoon, why the prayer thereof may not be granted.

Sent up for Concurrence.

William Clark Esq; brought down from the Honourable Board, the Report of a Committee of both Houses appointed the 23d. Instant, to consider of the Remonstrance of *Henry Joslin*, which is as follows, *viz.*

In Answer to the Complaint of *Henry Joslin*, one of the Constables of *Attleborough*, now a Prisoner in the Common Goal at *Providence* in the Government of *Rhode-Island*,

The Committee are of Opinion, That the said Imprisonment of the said *Joslin* is wrong and oppressive, and that he ought forthwith to be discharged. And that *Job Bartlet*, together with his Assistants, *Joseph Brown*, *Joseph Reves*, *Daniel Wilson* and *Josiah Fiske*, being all of them known and allowed Inhabitants of *Attleborough*; *Joseph Staples* and *Nathaniel Staples*, in like manner Inhabitants of *Bellingham* and *Wrentham*, and for many Years have as well enjoyed the Priviledges as performed the Duties of Inhabitants of this Province, within their respective Towns, were guilty of a great Misdemeanour, *viz.* The said *Job Bartlet* in seizing, and the others in assisting him forceably to carry the said *Henry Joslin* out of this Province, to a Prison within the Government of *Rhode-Island*, at a Time when the [96] said *Joslin* was in the Execution of his Office, *viz.* Collecting the publick Taxes of *Attleborough* that were committed to him.

And therefore that the Sheriffs of the Counties of *Bristol* and *Suffolk* be Or-

dered forthwith to apprehend the said *Job Bartlet* and others, and bring them before this Court to Answer for their great Offence as aforesaid. Pass'd on in Council, *viz.* In Council, *July 27. 1731.* Read, and

Voted, That this Report be accepted, and that His Excellency be humbly requested to write to the Governour of *Rhode-Island*, desiring him to Order the Release of the said *Joslin*, & that for the Time to come His Majesty's Officers of this Province be not obstructed in the Execution of their Office by any Warrants or Directions from that Government. Sent down for Concurrence. Read and concurred with the Amendment, *viz.* And that Warrants be issued out accordingly.

Sent up for Concurrence.

An Indent Sign'd *Thomas Smith*, for sundry Necessaries for His Majesty's Service at the Garrison or Truck-house on *Saco-River*.

Read, and committed to the Committee for Petitions.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Bill intituled, *An Act in addition to the several Acts or Laws of this Province, for the Regulation of the Civilized Indians inhabiting this Province, and for preventing Oppression or Abuses to them.*

Read a second time.

A Petition of *Tilly Mirick* of *Springfield*, and (as he suggests in his Petition) one of the first Petitioners for the Town of *Brimfield*, praying, (for Reasons mentioned) that the Court would consider him, and grant him all after Divisions in said *Brimfield*, to his 120 Acres. Read, and the Question put, *Whether the prayer of the Petition be granted?* And it pass'd in the Negative.

Then the House Adjourned till to Morrow Morning Ten o' Clock,

Mercurij Die 28. Julij, A. D. 1731.

THE Bill intituled, *An Act in Addition to the several Acts or Laws of this Province, for the Regulation of the civilized Indians inhabiting this Province, and for preventing Oppression or Abuses to them.*

Read a Third Time, and Nonconcurrent.

A Petition of the Select-Men of the Town of *Leicester*, in behalf of themselves and said Town, praying, That the Court would explain the Law of this Province referring to the Support of Ministers, and that the Petitioners and Agents for the said Town, may have the Liberty of an Appeal from a Judgment obtained against the said Town by the Reverend Mr. *David Parsons*, or that they may have a Hearing and Trial *de novo*, in a Process of Common Law, or any other ways whereby they may have the Benefit of a Trial by a Jury, and that the

Execution of the said Judgment may be stayed in the mean Time, for Reasons mentioned. [97]

Read, and *Ordered*, That the Petitioners serve the Reverend Mr. *David Parsons* with a Copy of the Petition, that so he may shew Cause on *Friday* the Sixth of *August* next, if this Court be then sitting, if not, on the second *Friday* of the next Session, why the Prayer thereof may not be granted, and that Execution be staid in the mean Time.

Sent up for Concurrence.

A Petition of *Thomas Awaussamaug* of *Natick*, Indian, praying, That he may be inabled to sell Thirty Acres of Land, lying in two Parcels in *Natick* aforesaid, for Reasons mentioned. Read, and committed to the Committee for Petitions.

In the House of Representatives, July 28. 1731.

WHereas His Excellency the Governour, at his first meeting of the General Court, (after his arrival here) being the 9th of *September* last, acquainted them, That His most Gracious Majesty, out of a tender Care for all His Subjects, had directed him to propose to the General Assembly of this Province and that of *New-Hampshire*, a Method by His Majesty prescribed for the amicable Adjustment of a long and unhappy Controversy respecting the Boundaries of the Provinces, which he had communicated to that Government, and they expressed to him their Readiness to bring the Affair to a friendly Issue: This Court taking the same into due Consideration, and being sincerely desirous and willing that the Dispute might be adjusted in the Way and Method pointed out by His Majesty, speedily agreed upon a Scheme or Projection for effecting the same, which when laid before the General Assembly of *New-Hampshire* in *December* last, they would not conform thereto, but pass'd an Act impowering Commissioners to determine and put an end to these Disputes, provided this Government would pass an Act of the same kind, which Act of theirs being laid before this Court at their Session in the aforesaid Month of *December*, was deemed in several Respects insufficient, and for want of some necessary Proviso's it was apprehended the Commissioners would not be sufficiently Authorized and Impowered so justly to fix and determine the Boundary Line: To prevent therefore any such Inconvenience, and that no more Controversies might ever thereafter arise touching the Bounds of the Provinces, this Court at a Session in *February* last, pass'd an Act fully impowering Commissioners to determine the aforesaid Bounds, and made Provision in several Instances as well as Authorized the Commissioners to order Equivalents if by them adjudged requisite, which their General Assembly took no Notice of. This Act or Law was to remain firm and stable forever, provided they would come into an Act in substance like that, which that Government did not think fit to do, when the same was

by them considered at a Session of the General Assembly on the 7th. of *May* last, but came into a Vote or Order appointing a Committee to meet and confer with a Committee from this Court at *Newbury*, on the 22d. of *June* past, if this Court see meet to chuse one, in order to agree upon a Draught of a Bill that might pass both Governments, directing both Committees to make their respective Reports with all convenient speed, that so the Controversy might be ended, if possible, by the first of *November* next then coming; which last Proceedure of that Government being laid before this Court at their present Session, who [98] from a just Regard to the lasting Peace and Tranquility of the Provinces, would studiously avoid all future Disquietudes, and prevent a needless Expence of considerable Sums of Money and Time in repeating Law-suits on this Head, and that His Majesty's Subjects, whose Lands border on the controverted Line, might live in Ease and Quiet, as others the Inhabitants of each Province, on the second of *June* last, raised a Committee to meet a Committee of theirs at *Newbury* on the 22d. of said Month, if this Court's sitting should not prevent them, but if so, seasonable Notice was to be given to the *New-Hampshire* Committee, and the Time when they could meet them: On the 15th. of that Month, this Court continuing to sit, a Letter was expressed by a Messenger to their Committee, advising them that the Court's sitting would forbid the Committee from hence meeting on the Day prefixed, as likewise that they should be further Notified in season when this Government's Committee would meet them, which by another Express of the 21st. of *June*, the 13th. Instant was the Day appointed to meet them at *Newbury*. This Court being now further advised, that the House of Representatives for the Province of *New-Hampshire* in General Assembly convened on the first Instant, came into a Vote or Order, first declaring what that Court had done respecting the Boundary Line at their Session in *May* aforesaid, and that their Committee had not heard whether this Government had proceeded to chuse a Committee or not, but by private Letters were inform'd the Committee would not meet them, (tho' both Expresses of the 15th. and 21st. of *June* reach'd the Hands of their Committee seasonably, and were Read in the Assembly) they also make mention of a Letter from His Excellency to the President of their Council, which was then before them, desiring the House to pass a Vote to inable a Committee of that Province to meet at *Newbury* on the aforesaid Thirteenth of this Instant, with a direction to have the General Court prorogued to *September* next; At the same time His Excellency Governour *BELCHER* wrote to the Secretary of that Province on the 21st. of *June*, in which Letter is the following Paragraph, "This Assembly being still like to sit some time, the Committee here cannot meet the *New Hampshire* Committee about the Line, "till the Thirteenth Prox, of which the Gentlemen here write to you by the

"Post: I have therefore wrote the President that your Assembly must sit the "first of next Month, and Vote to meet this Committee according to time. Allow that their Committee were not, strictly speaking, sufficiently Notified of this Government's Proceeding on this Head, yet will any One presume or insinuate, that their General Assembly were not well and seasonably advised even by publick Letters from their Governour to the President of their Council and Secretary of the Province as above, both which they had the full Knowledge of? That Assembly go on and say, by which Delays the Settlement of the Line cannot be finished this Fall, and that such a Proceedure is contrary to the Interest of that Government, and the Intent of His Majesty's Instructions, that therefore that House did not think it for the Interest of the Province to chuse a Committee, but to come into some other Method, and represent the Matter to the Court of *Great-Britain*, and shew how far that Province had proceeded and endeavoured a peaceable Settlement of said Lines, and pray'd his Honour the Lieutenant Governour and the Board would come into the same; which the Council the Day following Non-concurred, and revived the Vote for appointing a Committee, which [99] the Assembly Non-concurred and Adhered to their former Vote. Now inasmuch as this House humbly apprehend that His Majesty's good and gracious Design, so wisely calculated for the Peace and Tranquility of both Provinces, would be intirely perverted, if either this or the Government of *New-Hampshire*, should defeat a Compromisement of this Affair, so much to be desired, by such frivolous Pretences and naked Excuses as are advanced by the Assembly of *New-Hampshire*, for that House had all the Assurances the situation of the publick Affairs here would admit of, that nothing but the General Courts continuing to sit would retard the Committee from hence meeting at *Newbury*, which will doubtless sufficiently plead for and justify their Non-attendance at that time; Duty to His Majesty, and their Country's Interest requiring their Attendance here: Especially if it be considered what short space of Time it was further referred to, as also the only Season of the Year for doing such Business at so great a Distance, and likewise the Month of *November* was as soon as they possibly expected the Affair to be ended.

To the end therefore, that it manifestly may appear (that as this Court from their being first apprised of the gracious and good Intent of His Majesty, which when well effected, were well satisfied would advance the Interest and Growth of both Provinces, so they still remain of the same Belief, and purpose what in them lies strenuously to endeavour that the Resolutions heretofore taken for bringing that Matter to a happy Close might not be frustrated, nor in any measure moved or excited hereto under an Apprehension that the Government of *New-Hampshire* can represent the Matter to the Court of *Great-Britain*, in prejudice to this Province, by shewing forth any Delays on the part of this Govern-

ment attending the whole of the Business, altho' the Assembly there adjudged that Method adviseable for them to pursue; Do therefore Order and Impower *Elisha Cooke* and *Benjamin Lynde Jun. Esqrs.* and Mr. *Samuel Welles* (with such as the Honourable Board shall appoint) to be a Committee in behalf of this Government to meet a Committee from the Government of *New-Hampshire*, at *Newbury*, between the fifth and fifteenth Days of *September* next, then and there to confer one with another respecting settling the Boundaries between the Provinces, and agree upon the Draught of a Law, if so they can, which both Governments may come into for the full and final Settlement of the Line in Peace. The Committee to Report to this Court as soon as may be.

Sent up for Concurrence.

Then the House Adjourned till Four a Clock Afternoon.

Post Meridiem.

Mr. Secretary came down from His Excellency with the following Message, viz.

Gentlemen of the House of Representatives,

UPon your Desire to me of a Recess, I ordered the Secretary to give Notice to all the absent Members of His Majesty's Council immediately to attend their Duty in the General Court, and Yesterday I laid before them your Message of the 20th Instant, desiring their Answer, upon the Oath they had taken as Counsellours, to the following Questions. [100]

Whether the Bill for Supply of the Treasury, pass'd this Session by the House of Representatives, and Concurred by His Majesty's Council, be conformable to the King's 30th. Instruction to me?

Whether it would be for His Majesty's Honour and Service, and consistent with the necessary Defence of His Government in this Province, and the Safety of the Inhabitants thereof, that I suffer this Court to rise without making a sufficient Supply of Money to the Treasury, which has been empty from the first sitting of this Assembly?

Both these Questions His Majesty's Council has answered in the Negative. It can't therefore now be reasonably expected that I should give my Assent to any Method proposed for Supply of the Treasury, that shall not be conformable to His Majesty's Instruction. And since an Address went from a former House of Representatives, humbly imploring His Majesty's Favour on this Head, I should think the Deference and Duty you owe to His Majesty, should lead you to go on in supplying the Treasury (as the last Assembly did, and was formerly done for Thirty Years together) at least till you receive His Majesty's Pleasure in Answer to what has been laid before Him.

You are sensible you had from me the earliest Notice upon your first coming to-

gether of an empty Treasury: and there is now more than Ten Thousand Pounds due from this Government to private Persons, yet you are desiring to rise, and to leave the Treasury empty, which would be not only the highest Injustice to those to whom the Province is already indebted, but, (to use the Words of the Address I have mentioned) "This would be in effect to Dismantle all the Forts and Garrisons, leave the Government Defenceless, and put an end to all safety"; and such a Neglect would also be of so dangerous a Nature as I believe no other Government has ever yet ventured upon, and what I am afraid the King would call a downright Infraction of the Charter.

I therefore think Myself obliged to keep this Court still sitting, and thereby give you the Opportunity of acting up to your Duty for the Safety and Welfare of this People.

J. BELCHER.

July 28. 1731. Read.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Jobis Die 29. Julij, A. D. 1731.

In the House of Representatives, July 29. 1731.

Voted, That the following Message be sent to His Excellency the Governour, viz.

May it please Your Excellency,

THE House having upon Your Excellency's Message of Yesterday, agreed to call in their absent Members (that there may be a full House when the important Matter laid before us in that Message shall be considered of) which by reason of the Distance of diverse of the Gentlemen, cannot well be till the latter end of next Week or the beginning of the Week after, which time, if the House [101] continue sitting, must therefore be spent without doing much if any Business, and at this Season of the Year would be very prejudicial to many of the Members; The House would therefore earnestly request, that Your Excellency would be pleased to give them leave to Adjourn themselves to such a Day, as You shall think the absent Members may be able to attend to consider Your Excellency's Message aforesaid.

Ordered, That Mr. Welles, Mr. Shove, Mr. Foster, Mr. Tyng, Maj. Gerrish, Maj. Epes, Mr. Cushing, Mr. Bourn, Mr. Milbury and Mr. Lynde, wait upon His Excellency with the said Message.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The House met and Adjourned till to Morrow Morning, Ten o' Clock.

Veneris Die 30. Julij, A. D. 1731.

MR. Cooke from the Committee for Petitions, Reported on the Indent of Capt. *Thomas Smith*, entred the 27th Instant, Read, Accepted, and Ordered, That Mr. Treasurer be and hereby is directed to supply the said *Smith* with the Articles therein mentioned, for the Use of the Truck-House, also for Materials for erecting a Shed for the Reception of the *Indians*; the Building to be about Twenty two Feet in length, Sixteen Feet wide, and the said *Smith* to be accountable to this Court.

Sent up for Concurrence.

John Chandler Esq; brought down from the honourable Board, the Vote of the 28th Instant, relating to the Boundary Line between this Province and the Province of *New-Hampshire*, Pass'd in Council, viz. In Council, July 30. 1731. Read and concurred with the Amendments. Sent down for Concurrence. Read and non-concurred, and the House adhere to their own Vote. Sent up for Concurrence.

The said Vote was brought down again by *Samuel Thaxter* Esq; pass'd in Council, viz. In Council July 30. 1731. Read, and unanimously non-concurred, and the Board insist on their Amendments.

Sent up for Concurrence.

Read, and non-concurred *Nemine Contradicente*, and the House insist on their own Vote. Sent up for Concurrence.

Peter Thatcher Esq; brought down from the Honourable Board the following Vote, viz. In Council, July 30. 1731.

Voted, That *Spencer Phips*, *Jonathan Remington* and *Ezekiel Lewis* Esqrs. be a Committee of this Board, to confer with such a Committee as shall be appointed by the Honourable House, on the Subject Matter of the Amendments made by the Board to the Vote of the House, referring to the Line between this Province and the Province of *New-Hampshire*.

Sent down for Concurrence.

Read and concurred, and Ordered, That Mr. Cooke, Mr. Lynde and Mr. Shove be joined in the Affair.

Then the House Adjourned till Four a Clock Afternoon; [102]

Post Meridiem.

A Petition of *Stephen David*, and *Jemima* his Wife, *Indians*, of *Titicut* in *Middleborough*, in the County of *Plimouth*, which said *Jemima* is the only Child and Heir of *Joseph Joslin*, late of said *Titicut* deceased, praying, That they may have liberty to sell some of their Land. Read, and Ordered, That the Consideration of this Petition be referred to the next Session, and that in the mean time Mr. *Samuel Barrow*, Mr. *Elisha Bisby* and Mr. *Ezra Clap*, be

desired to enquire into the Circumstances of the Petitioners, and the Land they desire to sell, and Report to the said Session.

Sent up for Concurrence.

Mr. Speaker communicated to the House a Duplicate of Mr. Agent *Wilkes's* Letter of the 8th of *May* last.

Mr. Secretary brought down a Letter from Mr. *Thomas Sandford* of *London*, Merchant, dated the first of *June* last, wherein he returns Thanks for what this Court had ordered him in the Year past, for his Service to the Province. Read.

Mr. Secretary came down with a Message from His Excellency, to acquaint the House, That the *Attleborough* Men that were sent for by this Court, were ordered to attend in the Council-Chamber this Afternoon, and that if the House were desirous of being present at the Examination, (in order to there being but one Hearing) it would be acceptable to His Excellency and the Honourable Board.

Mr. Speaker and the House went up, and the Examination being over, he with the House returned to their own Chamber.

Samuel Thaxter Esq; brought down from the Honourable Board the following Order, *viz.*

In Council, *July 30. 1731.*

Ordered, That the Sheriff of the County of *Suffolk*, require Bail to be taken before one of His Majesty's Justices of the Peace for the said County, *viz.* From *Job Bartlet* in the Sum of *One Hundred Pounds*, *Joseph Razy*, *Daniel Wilkinson*, *Joseph Staples* and *Gideon Tower*, in the Sum of *Fifty Pounds* each, for their appearing before this Court at this present Session, when they shall be called for; and in case of their refusing to give such Bail, that the said Sheriff commit their Bodies to His Majesty's Goal in *Boston*.

Sent down for Concurrence. Read and concurred.

Daniel Oliver Esq; brought down from the Honourable Board the following Order of Council, *viz.*

In Council, *July 30. 1731.*

Ordered, That *Paul Dudley*, *Thomas Palmer* and *Jonathan Remington* Esqrs. with such as shall be join'd by the Honourable House of Representatives, be a Committee to examine *Job Bartlet* and others, brought before this Court, by a Warrant directed to the Sheriff of the County of *Bristol*, as also to examine the Witnesses respecting their Behaviour, and to consider [103] and Report as soon as may be, what they judge proper for this Court to do in the Affair.

Sent up for Concurrence.

Read and concurred, and *Ordered*, That Mr. *Cooke*, Mr. *Lynde*, Mr. *Bowles*, Mr. *Shove* and Mr. *Bisby* be joined in the Affair.

Then the House Adjourned till to Morrow Morning Ten o' Clock,

Sabbati Die 31. Julij, A. D. 1731.

Benjamin Lynde Esq; brought down from the Honourable Board, a Petition of *Samuel Hayward*, in behalf of himself and sundry others, Agents for the Towns of *Topsfield, Reading, &c.* praying the Court's Consideration of sundry Incumbrances on *Ipswich River*, so called, by Reason of Mills and Dams erected on the same, altogether obstructing the Course of the Fish up the said River in their proper Seasons, and that the Court by themselves or a Committee, would enquire into the same, and the Damage the Petitioners may thereby sustain, and in what effectual Manner, and with the least Prejudice to the Owners of the said Mills, the Passage for the Fish may be cleared; or that the Court would afford such Relief in the Premises, as in their Wisdom they shall think most meet, for Reasons mentioned. Pass'd in Council, *viz.* In Council *July 31. 1731.* Read, and *Ordered*, That *Ebenezer Burril* Esq; with such as shall be join'd by the Honourable House of Representatives, be a Committee (at the Charge of the Petitioners) to repair to *Ipswich River*, and carefully view the same, with the Mill-Dams thereon, and Report to this Court at their next Session, what they judge proper to be done on this Petition. Sent down for Concurrence.

Read, and non-concurred, and *Ordered*, That the Petitioner serve the adverse Parties with a Copy of the Petition, that so they may shew Cause (if any they have) on *Friday* next, why the Prayer thereof may not be granted. Sent up for Concurrence.

Jonathan Dowse Esq; brought down *Thomas Debuke's* Petition, praying as entred the 27th Instant, pass'd in Council, *viz.* In Council, *July 31. 1731.* Read, and *Ordered*, That the Prayer of the Petition be granted.

Sent down for Concurrence.

Read.

Mr. Secretary came down from His Excellency with the following Message, *viz.*

Mr. Speaker,

HIS Excellency Orders, That this Great and General Court be adjourned till Monday next, Three o' Clock in the Afternoon, and the same is accordingly adjourned.

VOTES

Of the House of Representatives.

Lunæ Die 2. Augusti, A. D. 1731.

THE House Met, and adjourned till to Morrow Three a Clock Afternoon.

Martis Die 3. Augusti, A. D. 1731.

THE Petition of *Thomas Debuke*, and Vote of Council thereon, entred the 31st of *July* last, Read again and concurred.
Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurij Die 4. Augusti, A. D. 1731.

A Petition of *Solomon Hewes* of *Wrentham*, setting forth, That he had to the Value of *Three Pounds Three Shillings and nine Pence* in Province Bills eaten and defaced by the Rats or Mice, praying, That the Province Treasurer may be directed to exchange the said Bills.

Read, and *Ordered*, That the Prayer of the Petition be granted, and that the Treasurer be directed to exchange the said Bills accordingly.

Sent up for Concurrence.

A Petition of *John Allen* of *Chilmark*, in the County of *Dukes County*, praying, That he may be enabled to Review a Judgment obtained against him in *January* 1729. by one *Philip Jones* of *Boston*, for Reasons mentioned.

Read, and *Ordered*, That the Petitioner serve the adverse Party with a Copy of the Petition, that he may shew Cause (if any he have) on *Tuesday* next, why the Prayer thereof may not be granted.

Sent up for Concurrence.

Then the House Adjourned till Four a Clock Afternoon. [106]

Post Meridiem.

THE House Met, and adjourned till to Morrow Morning Ten o'Clock.

Jovis Die 5. Augusti, A. D. 1731.

Ordered, That Major *Chandler* go up with a Message to the Honourable Board, to enquire whether they had pass'd on the Vote of the 28th of *July* last, referring to the Boundaries between this Province and the Province of

New-Hampshire, since the Vote for a Conference, by a Committee of both Houses; who return'd he had deliver'd the Message, and was inform'd that the Committee had made Report, but that the Board had not since acted upon said Vote.

A Petition of *John Allen* Esq; of *Chilmark*, in the County of *Dukes County*, praying the Order of the Court, that a Note under Hand given by him to one *Joseph Arey* of *Edgarton*, for *Sixty five Pounds five Shillings*, may be subjected to satisfy a Judgment the Petitioner has obtained against the said *Arey*, for *Seventy seven Pounds six Shillings*, for Reasons mentioned.

Read, and *Ordered*, That the Petitioner serve the adverse Party or his Attorney with a Copy of the Petition, that so he may shew Cause (if any he have) on *Tuesday* the Tenth Instant, if this Court be then sitting, if not, on the second *Thursday* of the next Session, why the Prayer thereof may not be granted.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Vouchers being produced for the several Articles contain'd in the Accompt of *Mr. Dyer*, Treasurer for the County of *Plimouth*, (which was disallowed the 29th of *May* last) the House (upon a Motion therefor made) took the said Accompt again under Consideration, and the same was committed to *Mr. Bisby*, *Mr. Cushing*, *Mr. Alden* and *Mr. Choat* for their Examination, to make Report as soon as may be.

Daniel Oliver Esq; brought down from the Honourable Board, the Report of a Committee of both Houses appointed the 30th of *July* last, to examine *Job Bartlet* and others, which is as follows, viz.

THE Committee appointed to examine *Job Bartlet* and others, upon the Complaint as well of *Henry Jocelyn*, as of *Charles Church* Esq; Sheriff of the County of *Bristol*, Report, That at a Great and General Court or Assembly of this Province, holden at *Boston*, *January* last, *Samuel Thaxter*, *John Chandler* and *William Dudley* Esqrs, together with *John Quincy* and *Nathanael Blagrove* Esqrs. *Mr. Shove* and *Mr. John Foster*, were appointed Commissioners on the Part of this Province, to meet Commissioners from the Government of *Rhode-Island*, and with them to Agree, Compromise, Issue, and finally Settle the Dividing Line or Boundary between that part of this Province which was formerly the Colony of *New-Plimouth*, and [107] the Colony of *Rhode-Island*; and the Conclusions and Agreements Signed, Sealed and Perfected by the said Commissioners of this Province, with the said Commissioners of *Rhode-Island*, to be for ever held Good and Valid by this Government; provided that the said Government of *Rhode-Island* give the like full Power to their Commissioners; and that all Process in the Law against any Persons that border on the said Line, for Rates

or Taxes to either Government, be suspended in the mean Time: Provided that the Government of *Rhode-Island* give the like Order on their Part; a Report to be made of their Proceedings therein, &c.

Which said Commissioners met at *Rehoboth* the 20th of *April* last, and broke up the Day following, without coming to any Agreement or Determination referring to the said Boundary Line, and the Commissioners on the part of this Government made Report accordingly; whereby the Power and Authority granted to the said Commissioners ceased and determined, and consequently the Cessation above mentioned at an end, and all things returned to the State they were in before the Appointment of the said Commissioners. Whereupon the Committee are of Opinion, That the said *Henry Jocelyn*, late Constable of *Attleborough*, was in the lawful Execution of his Office, within the known and stated Bounds of the said Town of *Attleborough*, and that therefore the said *Job Bartlet* had no Authority to molest and seize the said *Henry Jocelyn*, and carry him out of this Province in the manner that he did, by Vertue of any Warrant from *William Arnold* and *Jonathan Sprague* Esqrs. who were Justices of the Peace in the Government of *Rhode-Island* only, and had no Power or Jurisdiction within any part of the Town of *Attleborough*; and therefore the Committee are of Opinion, That as well the said *Job Bartlet*, as *Joseph Razey*, *Daniel Wilkinson* and *Joseph Staples*, be each of them bound by way of Recognizance (*A*) with sufficient Sureties in Pounds each, for their Appearance at the next Superiour Court of Judicature, Court of Assize, and General Goal Delivery to be holden at *Bristol*, for the County of *Bristol*, on the second *Tuesday* of *September* next, then and there to answer to the Complaint of the said *Henry Jocelyn*, for his being seized and carried to the Goal in *Providence*, on the 19th of *July* last; and also to the Complaint of *Charles Church* Esq; Sheriff of the County of *Bristol*, for their insulting and abusing him and his Assistants, in the Execution of a Warrant from His Excellency the Governour, dated the 27th of *July* last, pursuant to a Vote of the Great and General Court or Assembly of this Province, and that in the mean Time they be of the good Behaviour; and that *Gideon Tower* likewise Recognize in the Sum of *Fifty Pounds*, with two Sureties in the Sum of *Twenty five Pounds* each, to Answer the Complaint of the said Sheriff *Church*, and that he also be of the good Behaviour as aforesaid.

The Committee are also of Opinion, That it be Recommended to some one or more of His Majesty's Justices of the Peace for the County of *Bristol*, to issue out a Warrant for apprehending *Joseph Brown* of *Attleborough* aforesaid, in order to his Recognizing with Sureties to appear at the said Court, and answer to the Complaint of the said *Henry Jocelyn*, against him the said *Joseph Brown*, for assisting the said *Job Bartlet* in carrying the said *Jocelyn* to the Goal in *Providence*, and also the Complaint of the said Mr. Sheriff *Church*. [108]

And the said Committee are further of Opinion, That the said *Henry*

Jocelyn Recognize before some one of His Majesty's Justices of the Peace for the County of *Bristol*, in the Sum of *One Hundred Pounds*, to appear at the said Court, and then and there bring forward and prosecute his said Complaint; and that Mr. Sheriff *Church* also Recognize to prosecute his Complaint at the said Court, and take care that the Witnesses timely enter into Recognizances (*B*) for their appearance at the same Court, to give Evidence on His Majesty's Behalf, relating to the said Complaints, or either of them.

In the Name and by Order of the Committee,

Paul Dudley.

Boston, August 4th. 1731.

Pass'd in Council, viz. In Council, *August 5th. 1731.*

Read, and *Ordered*, That this Report be accepted with the Amendments, which are as follows, viz. "(A) viz. *Job Bartlet* in the Sum of *One Hundred Pounds*, as Principal, with Two Sureties in the Sum of *Fifty Pounds* each, "and the rest in the Sum of *Fifty Pounds* each, with two Sureties in the Sum "of *Twenty five Pounds* each, (*B*) before some Justice of the Peace in a Sum "not exceeding *Ten Pounds*".

Sent down for Concurrence.

Read, and Non-concurred *Nemine Contradicente*, and the Report of the Committee accepted, with this Amendment, viz. That instead of the within named *Job Bartlet, Joseph Razey, Daniel Wilkinson, Joseph Staples* and *Gideon Tower's* giving Bail, they be forthwith committed to His Majesty's Goal in the County of *Suffolk*, in order to receive their Trial before His Majesty's Justices of the Superiour Court of Judicature, Court of Assize, and General Goal Delivery to be holden at *Bristol*, within and for the County of *Bristol*, on the second *Tuesday* of *September* next.

Sent up for Concurrence.

Voted, That the House come upon the Consideration of His Excellency's Message of the 28th of *July* last, on *Tuesday* next, Three a Clock Afternoon.

Then the House Adjourned till to Morrow Morning Ten o' Clock,

Veneris Die 6. Augusti, A. D. 1731.

THE Vote of the 28th of *July* last, referring to the Boundaries between this Province and that of *New-Hampshire*, brought down last Night by *Melatihah Bourn* Esq; pass'd in Council, viz. In Council *August 5th. 1731.* Read, and the Board adhere to the Amendments at *B, E, F, G, I* and *K*, and pass'd a Concurrence on the Vote with the New Amendments mark'd Δ and \boxtimes . Sent down for Concurrence.

Read, and the Amendments at *B, E, F, I, \Delta* and \boxtimes concurred, and the

House adhere to the Vote as now amended, with their further Amendment, and *Voted*, That Mr. *Bisby* be added to the Committee.

Sent up for Concurrence. [109]

Ezekiel Lewis Esq; brought down from the Honourable Board, the Report of the Committee of both Houses on the *Attleborough* Affair, with a Message from the Board, to know whether it was the Intent of the House, that the Persons therein mentioned to be complain'd of, should be committed to Goal without Bail or Mainprize. In Answer to which the House came into the following Vote, as an Addition to their Vote of Yesterday upon that Affair, *viz.*

That if after their commitment the Persons complained of should be bailed, they shall give Bond by way of Recognizance as follows, *viz.* *Job Bartlet* in the Sum of *Five Hundred Pounds*, with Sureties in *Two Hundred and Fifty Pounds* each; the others in the Sum of *Three Hundred Pounds* each, with Sureties in the Sum of *One Hundred and fifty Pounds* each, the Sureties to be of the Inhabitants of this Province, except such as dwell on the Gore of Land.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

John Chandler Esq; brought down from the Honourable Board, the Report of the Committee of both House on the *Attleborough* Affair. Pass'd in Council, *viz.* In Council, *August 6. 1731.* Read and non-concurred, and *Voted* as follows, *viz.*

After the Words, *That the said Job Bartlet, Joseph Razey, Daniel Wilkinson, Joseph Staples and Gideon Towers be forthwith committed to His Majesty's Goal in the County of Suffolk*, marked with a Comprehense in the Margin of the Vote of the Honourable House, for an Amendment, then to add these, *And not to be let out upon Bail, without two good and sufficient Sureties for each of them, the said Job Bartlet in the Sum of Two Hundred Pounds as Principal, and the two Sureties in One Hundred Pounds each, the other Four Persons before named, in the respective Sums of One Hundred Pounds each, with two Sureties in the Sum of Fifty Pounds each. The Recognizances to be taken before two of His Majesty's Justices of the Peace for the County of Suffolk, the Condition of which to be, That the said Job Bartlet, &c. make their personal Appearance at the next Superiour Court of Judicature, Court of Assize, and general Goal Delivery to be holden at Bristol, for the County of Bristol, on the second Tuesday of September next, then and there to Answer what shall be objected against them on His Majesty's behalf, more especially the Complaint of Henry Jocelyn and Charles Church Esq; Sheriff of the County of Bristol, exhibited to this Court; and to be of the good Behaviour in the mean Time.*

Sent down for Concurrence.

Read and Non-concurred *Nemine Contradicente*, and the Question put, *Whether the House insist on their own Vote?* and it pass'd in the Affirmative.

Sent up for Concurrence.

John Alford Esq; brought down the following *Vote* and *Order* of Council, viz. In Council, *August 6. 1731.*

This Court being informed, that *Henry Jocelyn*, late Constable of *Attleborough*, who was illegally carried away to the common Goal in *Providence*, [110] is under Bond to appear at a Court to be holden within the Colony of *Rhode-Island*, for his levying a Rate or Tax by Order of this Court, on some of the Inhabitants of *Attleborough*, and within his Precinct:

Voted, That the obliging the said *Jocelyn* to give Bond to Answer at any Court within the Colony of *Rhode-Island*, for any Fact committed by him within the Jurisdiction of this Province, was, and the prosecuting him thereupon, will be a high Inroad on the Jurisdiction of this Province, and the Rights and Privileges of His Majesty's good Subjects within the same; and therefore

Ordered, That *John Overing* Esq; His Majesty's Attorney General for this Province, be appointed and empowered to appear at such Court in the Colony of *Rhode-Island*, and if any Process or Suit be there received and brought on against the said *Jocelyn* as aforesaid, then in the Name and Behalf of this Government, publickly to Declare and Protest against all Proceedings and Judgment that shall be therein made or given.

Sent down for Concurrence.

Read and Non-concurred *Nemine Contradicente*.

Ordered, That *Elisha Cooke*, *Benjamin Lynde* Jun. and *William Brattle* Esqrs. with such as shall be join'd by the Honourable Board, be a Committee to prepare the Draught of a Letter to the Government of *Rhode-Island*, setting forth, the unwarrantable Proceedings of Mr. Justice *Sprague* and *Arnold*, in the Affair of *Henry Jocelyn*, late Constable of *Attleborough*, and the other Proceedings of that Government thereon.

Sent up for Concurrence.

A Message from His Excellency by Mr. *Joseph Hiller*, viz.

Mr. Speaker,

MR. Secretary being indisposed, His Excellency has directed me to signify to this Honourable House, That it has been his Pleasure to Adjourn this Great and General Court till Tuesday next, Ten o' Clock in the Forenoon.

VOTES

Of the House of Representatives.

Martis Die 10. Augusti, A. D. 1731.

O*rdere*d, That the Sheriff of the County of *Suffolk*, be directed and im-
powered forthwith to commit *Job Bartlet, Joseph Razey, Daniel Wilkin-*
son, Joseph Staples and *Gideon Tower*, to His Majesty's Goal in the said
County, there to remain till the further Order of this Court.

Sent up for Concurrence.

Ordered, That Mr. Treasurer be directed to supply Mr. *Thomas Pierpoint*,
Chaplain at the Block House on *St. George's River*, to the value of *Ten Pounds*,
for supplying him with sundry Conveniencies, as hath been heretofore accus-
tomed for Persons of his Function.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The House (agreeable to the Order of the 5th Instant) proceeded to the Con-
sideration of His Excellency's Message of the 28th of *July* last, which was again
Read, and after a long Debate thereon had, a Motion was made and seconded
by many, That before the Affair of the Supply of the Treasury therein mentioned
be pass'd on by this House, the Members thereof might consult their Principals:
The Question was accordingly put, and it pass'd in the Negative. And

Ordered, That Mr. *Cooke*, Mr. *Welles*, Major *Brattle*, Mr. *Lynde*, Capt. *Goddard*,
Mr. *Shove* and Mr. *Hobson*, be a Committee to draw up a Representation or State
of the said Affair, and Report to this House as soon as may be, in order to its
being laid before the several Towns for their Advice and Instructions thereon.
Then the House Adjourned to *Thursday* next, Three a Clock Afternoon. [112]

Jovis Die 12. Augusti, A. D. 1731.

THE Petition of *John Allyn*, praying as entred the 4th Instant, brought down
last *Tuesday* from the Honourable Board by *Spencer Phips Esq;* Pass'd
in Council, *viz.* In Council, *August 10th. 1731.* Read again, together with the
Answer of *Philip Jones*, and the same being fully considered,

Ordered, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and non-concurred, and *Ordered*, That the Prayer of the Petition be so

far granted, as that the Petitioner be enabled by a Writ of Review, to bring forward a Trial of the Case within mentioned, at the next Inferiour Court of Common Pleas to be holden at *Boston*, for the County of *Suffolk*, and that the Justices of the said Court be and hereby are impowered and directed to receive the Answer of the Original Defendant, and proceed to the Trial of the Case, as though no such Default as is within mentioned had happened, and enter up Judgment, and award Execution accordingly.

Sent up for Concurrence.

A Petition of *John Phinney* of *Falmouth*, in the County of *York*, Ferryman, praying the Court to order and impower His Majesty's Justices of the General Sessions of the Peace for the County of *York*, at their next Session, (if they see Cause) to grant him a Licence to keep a Tavern at the House he now lives in, and that he may have liberty so to do in the mean Time, he Recognizing as the Law directs, before one or more of His Majesty's said Justices, for Reasons mentioned.

Read and *Ordered*, That the Prayer of the Petition be granted.

Sent up for Concurrence.

A Petition of *Job Bartlet*, *Joseph Razey*, *Daniel Wilkinson*, *Joseph Staples* and *Gideon Tower*, now in His Majesty's Goal in *Boston*, by Order of this Court, praying the Court to direct and impower one or more of His Majesty's Justices of the Peace, to take their Recognizance with sufficient Security, for their Appearance at the next Court of Assize and General Goal Delivery to be holden at *Bristol*, on the second *Tuesday* of *September* next, then and there to answer to the Complaint of *Henry Jocelyn*, late Constable of *Attleborough*, for his being seized and carried to Goal in *Providence*, on the 19th of *July* last; and also to the Complaint of *Charles Church* Esq; Sheriff of the County of *Bristol*, for their insulting and abusing him and his Assistants in the Execution of a Warrant from His Excellency the Governour, pursuant to a Vote of this Court.

Read.

A Petition of *Joseph Brown* of *Boston*, Distiller, praying the Court to consider the Matters contain'd in a Petition he exhibited to them the 23d of *July* last, and to direct and impower the Justices of the Superiour Court of Judicature now sitting in *Boston*, to proceed to the Trial of the Actions referred to in his former Petition.

Pass'd in Council, *viz.* In Council *August* 11th. 1731.

Read, and *Ordered*, That the Prayer of this Petition be granted.

Sent down for Concurrence. Read and Concurred. [113]

A Petition of *William Anthony*, Executor of *Abraham Anthony*, praying the Court in their Order of the 20th of *February* last, pass'd on his Petition exhibited the 15th of the same Month, to declare the serving of the adverse Party's Attorney to be a good Service, for Reasons mentioned.

Read, and *Ordered*, That the Prayer of the Petition be granted, and that the Petitioner's leaving a Copy of the Writ mention'd in the Petition within referred to with *John Read* Esq; Attorney to the adverse Party, be and hereby is declared to be a good Service, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

The Bill further to exempt Persons commonly called *Anabaptists*, and those called *Quakers* within this Province, from being taxed for and towards the Support of Ministers, brought down last *Tuesday* by *Samuel Thaxter* Esq;) pass'd in Council, *viz.* In Council, *August 10. 1731.* Read again, and Reconsidered, and *Voted* a Concurrence with the House with this further Amendment at Δ, *viz., Provided that such Persons do profess themselves Anabaptists or Quakers, and do usually attend their Meetings.*

Sent down for Concurrence.

Read and non-concurred, and *Ordered*, That *Mr. Welles*, *Mr. Bisby*, *Mr. Lynde*, *Col. Church*, *Mr. Shove* and *Mr. Bourn*, with such as shall be join'd by the Honourable Board, be a Committee to consider what Amendments may be proper to be made thereon, and Report.

Sent up for Concurrence.

A Petition of *David Jacob*, and sundry others Inhabitants of the *Northerly Precinct* in the Town of *Scituate*, praying sundry Persons therein named, may be prosecuted and punished for a Fact by them committed in defiance of an Order of this Court, the 17th of *June* last, referring to their Meeting-House, agreeable to the Wisdom of the Court, and that Restitution may be made to Persons aggrieved.

Read.

Then the House Adjourned till to Morrow Morning Ten o' Clock,

Veneris Die 13. Augusti, A. D. 1731.

A Petition of *Jonas Clark*, *Joseph Underwood* and *Caleb Blogget*, in behalf of themselves and the other Subscribers, part of whom are Petitioners in a Petition called *The Petition to Naticook Farm to make it a Township*, and part belonging to a Petition called *Amaskeag Petition*, praying, That a Tract of Land within the following Bounds, may be granted them for a Township, *viz. Southerly* by *Dunstable Line*, and *Souhegan River*, *Westerly* by the *Narraganset Township*, a parallel Line to *Piscataquogy River*, and by said River to *Merimack River*, and from *Merimack River* to run *Eastward* Three Miles, then turning about *Southerly*, according to the Course of said *Merimack River*, until it comes to *Dunstable Line* first mentioned, for Reasons mentioned in the Petition.

Read, and *Ordered*, That Mr. *Chandler*, Mr. *Lynde* and Capt. *Goddard* be a Committee to consider thereof, and Report what may be proper to be done thereon. [114]

The Petition of *Job Bartlet* and others, entred Yesterday, Read again, and in Answer thereto *Ordered*, That the Petitioners *Job Bartlet*, *Joseph Razez*, *Daniel Wilkinson*, *Joseph Staples* and *Gideon Tower*, be admitted to Bail, and that their Recognizances be taken before Two of His Majesty's Justices of the Peace for the County of *Suffolk*, the said *Job Bartlet* to Recognize in the Sum of *Five Hundred Pounds*, with two sufficient Sureties in the Sum of *Two Hundred and fifty Pounds* each; the others in the Sum of *Three Hundred Pounds* each, with like Sureties in the Sum of *One Hundred and fifty Pounds* each; the Sureties to be of the Inhabitants of this Province, except such as dwell on the Gore of Land: The Conditions of the several Recognizances to be, That the said *Job Bartlet*, and the Four other before named Persons, personally appear at the next Superiour Court of Judicature, Court of Assize and general Goal Delivery to be holden at *Bristol*, for the County of *Bristol*, on the second *Tuesday* of *September* next, then and there to answer to what shall be objected against them on His Majesty's Behalf, more especially the Complaint of *Henry Jocelyn*, late Constable of *Attleborough*, and *Charles Church* Esq; Sheriff of the County of *Bristol*, and to be of the good Behaviour in the mean time.

Sent up for Concurrence.

A Petition of *Hannah Lovel*, the Wife of *James Lovel*, late of *Yarmouth* in the County of *Barnstable*, praying the Court to enable her legally to recover the Dues and Effects of the Labour of her self and Children already done since the Departure of her said Husband, (who went from this Province in *September 1727.*) and for what shall be justly due to her for the future, for Reasons mentioned. Brought down from the Honourable Board by *Symonds Epes* Esq; Pass'd in Council, viz. In Council, *August 13. 1731.*

Upon Reading the within Petition,

Ordered, That the Prayer of the Petition be so far granted, as that the said *Hannah Lovel* be empowered to prosecute in the Law, all such Actions as shall be brought in the Name of her Husband *James Lovel*, for any Debts which are outstanding or due to him, and shall become due for her Labour, for the Support of her self and Family, or otherwise, during her said Husband's Absence, though her Husband hath not left with her any Power of Attorney. Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence.

Read and Concurred.

Jonathan Remington Esq; brought down from the Honourable Board, the Petition of the Select-Men of *Leicester*.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Petition of *John Phinney*, praying as entred Yesterday, brought down from the Honourable Board this Afternoon, pass'd in Council, *viz.* In Council, *August 12. 1731.* Read and non-concurr'd. In Council, *August 13. 1731.* The within Petition was Read again, and being Re-considered,

Ordered, That the Prayer of the Petition be granted, and that the Justices of the Court of General Sessions of the Peace for the County of *York*, be impowered at their next Session (if they see Cause) to grant him a Licence [115] to keep a Tavern at the House he now lives in, and that he have, and hereby is given him Liberty so to do in the Interim, he Recognizing before one of His Majesty's Justices of the Peace for the said County, with Sureties to observe the Laws relating to such as are so admitted.

Sent down for Concurrence. Read and concurred.

Joseph Wadsworth Esq; brought down from the Honourable Board, the Petition of *Samuel Hayward*, in behalf of himself and sundry others, praying as entred the 31st of *July* last, pass'd in Council, *viz.* In Council, *Aug. 13. 1731.* This Petition was Read, and it appearing the adverse Party hath been notify'd, and no Answer given,

Ordered, That *Ebenezer Burril* Esq; with such as shall be appointed by the Honourable House of Representatives, be a Committee (at the Charge of the Petitioner) to repair to *Ipswich* River, carefully view the same, with the Mill-Dams thereon, and Report to this Court at their next Session, what they judge proper to be done on the Petition.

Sent down for Concurrence.

A Petition of *Tilly Mirick* of *Springfield*, one of the first Petitioners for the Township of *Brimfield*, praying the Court to consider his Case, as set forth in the Petition, and that they would order him the same Allowance of Rights and after Draughts of Land in the said Town of *Brimfield*, as are settled upon and allowed to other Settlers in the same Denominations. Read, and the Question put, *Whether the said Petition be committed to the Committee for Petitions?* and it pass'd in the Negative. Then, *Whether the Prayer thereof be granted?* and it pass'd also in the Negative.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati Die 14. Augusti, A. D. 1731.

A Petition of *Sarah Cole*, Wife to *Thomas Cole* of *Boston*, Taylor, late Wife to *Edward Buckby* late of the same place, Victualler, deceased, setting forth, That for sundry Years last past, she has had a Licence to Retail Strong Drink, but that for Reasons to her unknown, the Select-Men of *Boston* have not

approved her this present Year: Praying the Court's Consideration of the Premises, and to grant her such Favour as they shall think fit. Read.

Mr. *Cooke* from the Committee appointed the 10th Instant, to draw up a Representation of the Affair respecting the Supply of the Treasury, Reported, That they had performed that Service, and he Read the same in his Place.

Then the House Adjourned till *Monday* next, Fout a Clock in the Afternoon.

BOSTON: Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1731. [117]

VOTES

Of the House of Representatives.

Luna Die 16. Augusti, A. D. 1731.

THE House Met, and Adjourned till to Morrow Morning Ten o' Clock.

Martis Die 17. Augusti, A. D. 1731.

A Letter from the Honourable JOSEPH JENCKES Esq; Governour of the Colony of *Rhode-Island*, &c. to His Excellency Governour BELCHER, respecting the Boundary Line between this Province and that Colony, dated the 4th Instant, which His Excellency thought fit to communicate.

Read, and committed to the Committee appointed the 6th Instant, to write to the Government of *Rhode-Island*.

The Vote of the 28th of *July* last, referring to a Committee of this Province, and of the Province of *New-Hampshire's* meeting to project a Bill in order to settle the Boundaries between those two Governments. Pass'd in Council, viz. In Council, *August* 10. 1731. Read and Non-concurred, and the Board insist on their Amendment at *K*, and instead of the Amendments of the House at \triangle Vote as follows, viz. And that it be a Direction to the Committee on the behalf of this Province, that Provision be made in such Bill, that all such Lands or Towns which either Government are in Possession or Improvement of, by Vertue of any ancient Grants, be reserved to the several Governments, both as to Jurisdiction and Property, and that said Towns be particularly enumerated in said Bill; and that such Equivalent may be given and received respecting the Property, as the Commissioners who shall be impowered to determine the Boundary Line shall judge Reasonable; and the Board adhere to the Vote as now amended, with their further Amendment at*.

Sent down for Concurrence. [118]

Read, and the Amendments at \triangle and * concurred, *K* non-concurred.

Sent up for Concurrence.

The Petition of *David Jacob*, &c. entred the 12th Instant, Read again, and the following Vote of Council thereon, viz.

In Council *August*, 12th. 1731.

Upon Reading this Petition, Voted, That *Thomas Palmer* and *Ezekiel Lewis* Esqrs. with such as the Honourable House shall appoint, be a Committee to

examine into the Matter complain'd of, and consider and Report as soon as may be, what is proper for the Court to do in the Affair.

Sent down for Concurrence.

And said Vote Non-concurred, forasmuch as the Subject Matter of the Prayer of the Petition is of such a Nature and Tendency, that it does not lie before this Court,

Ordered, That the said Petition be dismissed.

Sent up for Concurrence.

A Petition of *Sarah Emerson* of *Charlestown*, Widow, and Administratrix of the Estate of *John Emerson*, heretofore of *Salem*, in the County of *Essex*, Clerk, deceased, praying the Court would inable her in her said Capacity, to make and execute in due Form of Law, a Deed for re-conveying unto *Samuel Sprague* of *Malden*, in the County of *Middlesex*. Husbandman, his Heirs and Assigns for ever, all the Right and Interest which her said Husband, his Heirs, &c. have in a parcel of Land therein mentioned, or may claim by vertue of a Deed within referred to, and that the Instrument so made and perfected, may make a good Title to the Premisses, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *August* 17. 1731. Read, and *Ordered*, That the Prayer of the Petition be granted.

Sent down for Concurrence.

Read and concurred.

A Representation and Petition of *Samuel Birch*, of *Dorchester*, in the County of *Suffolk*, Husbandman, Son of *Joseph Birch*, heretofore of the same Place, deceased, praying the Court would order the Sale of a certain small Interest of the deceased's in the Common Lands in said *Dorchester*, for the Subsistence of his aged Widow, for Reasons mentioned.

Read, and the Question put, *Whether the Prayer of the Petition should be granted?* And it pass'd in the Negative.

A Petition of *Joseph Young*, Keeper of His Majesty's Goal in *York*, in the County of *York*, setting forth, That on the Tenth of *October* last, he had committed to his Custody (by Order of Three of His Majesty's Justices of the Inferiour Court there) Four Persons, for which he had allowed him by the Sessions for that County in *January* last, after the Rate of *Ten Shillings* a Week for each Person, for the Space of One and Twenty Weeks, but that he was informed, that this Honourable Court would allow but *Six Shillings per Week, per Man* which he says, is to his Damage, *Sixteen Pounds Sixteen Shillings*, and prays the Court (for Reasons mentioned) to consider of the Matter, and afford him Relief.

Read. [119]

The Petition of the Select-Men of the Town of *Leicester*, entred the 28th of *July* last, pass'd in Council, *viz.* In Council, 13th *August*, 1731. Read and dismiss'd. Sent down for Concurrence.

Read, and Non-concurred, and *Voted*, That the Petition be committed to

the Committee for Petitions, to consider thereof, and Report what may be proper for this Court to do thereon.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The House Met, and Adjourned till to Morrow Morning Ten o' Clock.

Mercurij Die 18. Augusti, A. D. 1731.

THE Report of the Committee appointed to draw up a Representation of the Affair respecting the Supply of the Treasury, was Read again and accepted, and the House came into the following Vote thereon.

THE Commons of *Great Britain*, when Matters of a new and unusual Nature are brought before them in Parliament, that affect the Nation, they esteem it their Priviledge and Duty to send to their Electors, from whom they derive their Power to Act, for their Advice and Direction how to manage in their Conclusions on such Affairs: The Situation of the Affairs now lying before the General Court, and in a more especial manner at present devolved upon the House of Representatives, loudly calls upon them to follow the Pattern of that August and Wise Assembly, as by the subsequent Representation will appear.

HIS Excellency the Governour on the 27th of *May* last, being the Second Day of this present Session, made a Speech to both Houses, beginning in the Words following, *viz.*

Gentlemen of the Council and House of Representatives,

The last Assembly having sat very lately for near Eleven Weeks, might have prevented your being Convened at this present Time, had it not been in Conformity to the Royal Charter, for your Anniversary Election, which being over, I think this Session may be very short. In another part of that Speech His Excellency expresses himself thus,

Gentlemen of the House of Representatives,

I have Ordered the Treasurer to lay his Accompts before you, in which you will find the last Supply wholly expended, and of this I give you the earliest Notice, that the Government may be duly supported by your seasonable Supplies of Money, and the Inhabitants of this Province thereby protected and preserved in their Lives and Estates. I am glad that the Difficulty arising in the late Assembly, with respect to the Supply of the Treasury, does not lie before you, they having

made the last Supply conformable to the Royal Charter and His Majesty's Instruction, and have since sent Home an Address to His Majesty on that Subject, as to which you may in due time be expecting the Royal Pleasure. [120]

On the 5th. of June following, a Bill being prepared for the Supply of the Treasury, was Read and Debated in the House Three several Days, pass'd to be Ingross'd, and was sent up to the Honourable Board for Concurrence. And on the 10th. of said Month, Mr. Secretary brought down the aforesaid Ingross'd Bill concurred by the Board, which the House immediately passed to be Enacted. The next Day the Governour directed the House to attend him in the Council Chamber, who being come up, His Excellency made another Speech to the Council and House, in which are the following Paragraphs,

As to the Bill for Supply of the Treasury, since an Address is gone to His Majesty from the late House of Representatives on this Affair, and I have also laid before this Government the King's Order to me herein, I should have thought it but a decent Respect to His Majesty, to have waited His Royal Pleasure, before you had proceeded to make any Supply, otherwise than was practised by the Assemblies of this Province for the first Thirty Years after the Receipt of the present Charter, and was done again in the same manner by the last Assembly: but since you are attempting it in a different way, I am obliged in Duty to the King to remind you of His Commands to me, wherein His Majesty is pleased to declare, That the method that you have lately been in for supplying the Treasury, was an unwarrantable Practice, and expresly contrary to the Tenor of the Charter, and has commanded Me to take Care that there be no such Practice for the future. For these Reasons it is, that I can by no means give my Consent to this Bill, therefore, Gentlemen, after this, and repeating to you, that the last Supply is exhausted, I cannot doubt of your making sufficient Provision for the King's Service, in the necessary Defence and Support of His Government of this Province, and for the Protection and Preservation of the Inhabitants within the same.

On the 7th. of July last, another Bill after Three several Days Reading and long Debates had thereon, passed the House to be Ingross'd, and sent up, but Non-concurred by the Council. Tuesday the 20th. the House Ordered the following Message to be sent up to His Excellency the Governour:

W*Hereas the House of Representatives have now sat more than Seven Weeks, in which Time a Bill for supplying the Treasury with Bills of Credit passed this House, and was concurred by the Honourable Board, which Bill not being consented to by His Excellency the Governour, the House used some further Endeavours for a Supply, which have proved ineffectual, and the House being of Opinion, That they have proceeded in that Affair as far as they can,*

without manifest Prejudice to the just Rights and Priviledges of the People whom they Represent, and it being now an extream busy Season, therefore,

Voted, *That a Message be sent to His Excellency the Governour, earnestly desiring him to give the Court a Recess.*

Wednesday 28th. Mr. Secretary came down from His Excellency with the following Message.

Gentlemen of the House of Representatives,

UPon your Desire to Me of a Recess, I Ordered the Secretary to give Notice to all the absent Members of His Majesty's Council, immediately to attend their Duty in the General Court, and Yesterday I laid before them your Message of the 20th. Instant, desiring their Answer, upon the Oath they had taken as Counsellours, to the following Questions. [121]

Whether the Bill for Supply of the Treasury passed this Session by the House of Representatives, and concurred by His Majesty's Council, be conformable to the King's 30th. Instruction to Me?

Whether it would be for His Majesty's Honour and Service, and consistent with the necessary Defence of His Government in this Province, and the Safety of the Inhabitants thereof, that I suffer this Court to rise without making a sufficient Supply of Money to the Treasury, which has been empty from the first sitting of this Assembly?

Both these Questions His Majesty's Council has answered in the Negative; It can't therefore now be reasonably expected, that I should give my Assent to any Method proposed for the Supply of the Treasury that shall not be conformable to His Majesty's Instruction. And since an Address went from a former House of Representatives, humbly imploring His Majesty's Favour on this Head, I should think the Deference and Duty you Owe to His Majesty, should lead you to go on in supplying the Treasury (as the last Assembly did, and as was formerly done for Thirty Years together) at least till you receive His Majesty's Pleasure in Answer to what has been laid before Him. You are sensible you had from Me the earliest Notice upon your first coming together of an empty Treasury, and there is now more than Ten Thousand Pounds due from this Government to private Persons, yet you are desiring to rise, and to leave the Treasury empty, which would be not only the highest Injustice to those to whom the Province is already indebted, but (to use the Words of the Address I have mentioned) this would be in effect to dismantle all the Forts and Garrisons, leave the Government defenceless, and put an end to all Safety; and such a Neglect would also be of so dangerous a Nature, as I believe no other Government has ever yet ventured upon, and what I am afraid the King would call a down right Infraction

of the Charter; I therefore think Myself Obligated to keep this Court still sitting, and thereby give you the Opportunity of acting up to your Duty, for the Safety and Welfare of this People.

On the next Day the House Voted the following Message to be sent to His Excellency the Governour.

May it please Your Excellency,

THE House having upon Your Excellency's Message of Yesterday agreed to call in their absent Members, (that there may be a full House, when the Important Matter laid before us in that Message shall be considered of) which by reason of the Distance of divers of the Gentlemen, cannot well be till the latter end of the next Week, or the beginning of the Week after, which Time, if the House continue sitting, must therefore be spent without doing much, if any Business, and at this Season of the Year would be very prejudicial to many of the Members, the House would therefore earnestly request, that Your Excellency would be pleased to give them leave to Adjourn themselves to such a Day, as You shall think the absent Members may be able to attend to consider Your Excellency's Message aforesaid.

Thursday the 5th. Instant the House Voted to come upon the Consideration of His Excellency's Message of the 28th. ult, on the Tuesday following; and then the aforesaid Message was again Read, and a long Debate had thereon, and upon a Motion made and seconded by a Number of the House, that before the Affair of the Supply of the Treasury be passed upon [122] by the House, the Members thereof might Consult their several Principals, the Question was accordingly put, and it pass'd in the Affirmative, and a Committee appointed to draw up a Representation or State of the said Affair, and Report as soon as may be, in order to its being laid before the several Towns for their Advice and Instruction to their respective Delegates. This House humbly apprehend that the Great and General Court for the time being, have full Power and Authority by the Royal Charter, from Time to Time, to Make, Ordain and Establish such Laws as they shall judge to be for the Good and Welfare of the Province, (provided they are not Repugnant or Contrary to the Laws of England) not only for the Ordering and Governing of the People Inhabiting here, but for the necessary Support and Defence of the Government, which last Words give the Court an unquestionable Right by Law, in raising and levying Taxes for the Discharge of the publick Debts, or in supplying the Treasury with Bills of Credit on this Province for the end aforesaid, to subject all the Monies raised for that purpose to certain Restrictions, Limitations and Proviso's, respecting the paying out of the same; which being premised, let the aforesaid Bill which passed two Branches of the Legislature be thoroughly Examined, and in great Probability it would be found

in no part thereof to infringe upon any Power vested in the Governour and Council, in Issuing and Disposing of the publick Monies, but exactly draughted conformable to the Power given the Legislature, in providing for the Support and Defence of this Government: And this the House conceive they may assert, and hope they shall be able by good Authority to Support and Maintain: In order thereto, it may not be amiss to Consult the Practice of the Court on this Head, from the beginning of the present Constitution.

"June 7th. 1693. In the House of Representatives, *Ordered*, That *One Hundred and Twenty Pounds* be paid by the Treasurer to *John Arnold*, in full of "his Accompt of *l. 150 3s. 2d.* and all his Demands from this Province. Voted "in the Affirmative, and sent up to the Governour and Council for their Concurrence and Consent. Which Vote the Board concurred, and the Governour Sr. *WILLIAM PHIPPS* gave his Consent thereto.

Anno 1693. *December 11th.* The General Court pass'd an Act for a present Supply of the Treasury, for certain Ends and Purposes in said Act enumerated, one of which was, for answering the publick Debts and other Payments allowed by that Court, and by His Excellency the Governour and Council, by which Act *Fifteen Hundred Pounds* was then raised for special Uses therein mentioned, and no other; All which Sum was by the Act directed to be by the then present Treasurer issued and paid out of the Treasury according to the Orders of the Governour and Council. This single Instance demonstrates, That the whole Court then by a Law directed and Ordered the Disposition of Monies in the Treasury. If the House of Representatives in so early Days, were allowed by Consent of the Two other Branches of the Legislature, to pass upon Accompts before Payment, and continued practicing so Consonant to the *Royal Charter*, what forbids the Court exercising the same Power at this Day?

The following Year the General Court passed an Act to enable the Treasurer to Answer the then present Demands for Money by Bills of Credit, to a Value not exceeding *Five Thousand Pounds*, for that the Money granted by [123] a Tax and Impost Bill could not be drawn in timely enough: Which several Acts mentioned the Ends and Uses for which the Money was granted to be paid out according to the Orders of the Governour and Council; at which Time also the House examined and pass'd upon Accompts, as before, and after they were so passed upon by the whole Legislature, they were laid before the Governour and Council for a Warrant on the Treasurer for the Payment thereof, as by the following Instance is demonstrated.

October 18th. 1694. An Accompt of the Commissioners appointed to go to *Albany*, amounting to *Ninety two Pounds Twelve Shillings and Six pence*, was laid before the Court by *Samuel Sewall Esq;* and Major *Penn Townsend*, two of the Commissioners, and was Ordered to be paid out of the publick Treasury, which the Governour consented to. Now certainly the Governour

and Council were as well able to discern and find out the true and genuine Sense and Meaning of the *Charter* on this Head then, as others since. It does not appear, that either the Governour or Board ever made the least Hesitation at the Procedure of the House therein, or gave out the least Intimation that the same was not agreeable to the Power in the *Charter*, for raising or disposing of the publick Money.

November 22. 1693. The House appointed a Committee to Audit the Treasurer's Accompts, who made Exceptions to several Articles of Payments charged therein, and at an Adjournment of that Session the 2d of *March* following, the Assembly Voted *Sixty Pounds* charged on the Treasurer's Account paid Mr. *Anthony Checkley*, Attorney General, in part of his Salary, was improperly charged, and therefore Ordered it to remain in the Treasury; the Day following they passed the same Order on *Two Hundred and Sixteen Pounds* paid the Commissioners for War.

On the 6th of *December* foregoing, the House *Resolved*, That it was the undoubted Privilege of the House of Representatives, that before any Money should be raised in the Province, they were to be advised for what Uses it was to be Improved, and that to Employ any Money from Time to Time, raised by the General Assembly of the said Province, for any other Use than what it was directed to in the Act, was a Grievance, and then declared the Money spent on the Fort at *Pemaquid* was mis-applied, for that the Act for raising *Thirty Thousand Pounds*, out of which Money the same was advanced, the General Assembly not being advised thereof, nor any Direction or Provision made therefor in the said Act. By which it is very Conspicuous, that those Gentlemen that then represented the good People here, were very early in safe-guarding the publick Money what in them lay, and made their publick Remarks upon the Misapplication committed by the Governour and Council, observing the good Rule *Obsta Principiis*. Now had the Governour or Council accounted that the Assembly had no Right to examine into Accompts, but that the same was vested in them only, they would without all Question have taken Occasion from what the Assembly had charged them with, to have made it known in the most publick manner, and endeavoured to stop any such future Inquiry, to prevent the like Animadversions; but their intire Silence argues the contrary. This practice for the House of Representatives to examine and pass upon Accompts before Payment, has been handed down from one Assembly to another without Interruption to the close of the last Year; during all which time the publick [124] Accompts have from Year to Year been Transmitted with other the publick Transactions of the General Court, and either presented to His Majesty in Privy Council, according to the Directions of the *Charter*, or lodged in the principal Secretary's Office at *White-Hall*, or laid before the Right Honourable the Lords Commissioners for

Trade and Plantations, agreeable to His Majesty's Order, and neither the Method for putting Money in or drawing the same out of the Treasury as aforesaid, was ever known to this Court to be disagreeable to His Majesty, till very lately, or that any Accompts passed upon as aforesaid, were disapproved of.

At a Session of the General Court in *April* last, the House of Representatives having projected several Bills for Supply of the Treasury, which met with a Non-concurrence at the Board, altho' they were agreeable to such Bills as the Court for divers Years had passed, consistent with the *Royal Charter*, and conducing to promote the Interest and Welfare of this Province. Whereupon that Assembly sent a Message to the Council on the 15th of said Month, and in a more especial manner had reference to a Bill sent up the foregoing Day, which met with the same Fate, to which the Board reply'd, industriously avoiding a direct Answer to the Matter more immediately complained of in the Message, and Say, That altho' the House might have been in the practice of allowing or disallowing Muster Rolls and other Accompts of Charges after Service performed for divers Years past, yet the Board observed that Method to be contrary to the constant and uninterrupted Practice of almost Thirty Years after the Grant of the *Royal Charter*, which Assertion may perhaps occasion some Doubts and Disputes in prejudice of the House, altho' there was not the least Shadow or Pretence for the Board so to assume. Let any one look into the Records of the General Court, and they will find a vast Number of Accompts pass'd upon by the Assembly first, and then by the other parts of the Legislature, some of which were soon after the present *Charter*, and many others from time to time till within the present Year, and all after Service done, and then presented to the Governour and Council for Payment, and Orders on the Treasury issued out accordingly. Nay, those Books will Evince, that at sundry Times when Accompts were brought before the Council for Payment, sitting the General Court, the Board have of their own Accord sent those very Accompts down to the House with a Message, that they ought to be first passed upon by the House, & then sent up to the Board. Furthermore, when Gentlemen (Members of the Council) had Accompts of their own to be paid out of the Treasury, they frequently chose to send them to the House first for their Allowance. Notwithstanding the Observation of the House upon the aforesaid Misapplication of the Money in the Treasury, and several subsequent ones on the like Occasion, the Board presumed to use the publick Monies in an unwarrantable Way, by repeating their Advice to the Governour in several Draughts of the like Nature upon the Treasurer, which clearly appearing to the Assembly to be so very contrary to, and breaking in upon the Resolutions and good Purposes for which the Money was raised, they could not but Vote them Grievances, and made

their Remonstrances to the Council thereon; And at a Session *Anno* 1704. the House *Voted*, That those who so drew the Money out, should be Obligated to pay in the same to the Treasury again. At other times when the Council misused the publick Monies, by giving their Advice for such illegal Draughts, the House of Representatives in the most pressing manner moved the Board, that for the future they would forbear such inconvenient Practices and unjustifiable Attempts; all which sincere Motions to the Council ever proved to no purpose, tho' so often repeated with the utmost Pathos.

In this unhappy Posture the publick Affairs respecting the Treasury continued for a Term of Years, great part of several Sessions frequently spent in unhappy Controversies between the two Houses, till, on the Board's so practicing, at a Session of this Court in *May* 1721. the House auditing and examining the Treasurer's Account of Expence for the Year then past, it appeared by the Vouchers produced to support many Articles, that they were not proper Charges, and some the House declared unreasonable to be paid out of the publick Treasury, and determined those several Sums drawn upon the Treasurer by Order of the Governour, by and with the Advice and Consent of His Majesty's Council, inconsistent with the Grant for Supply of the Treasury, and therefore deemed a Grievance: That House then perceiving how extravagantly the Governour and Council made use of the publick Money, and that several Sums which they drew for, ought not to have been paid by the Publick, they were constrained in great faithfulness to their Constituents, whose Money had for too long a Time been squandred away, to project a more safe Method for supplying the Treasury, and for the more effectual preventing (as that House then hoped) all future Designs of so evil a Tendency, and therefore prepared a Bill directing and establishing, that the Muster Rolls and Accounts of Charges on the Castle, Forts and Garrisons, &c. should not be paid until examined and allowed of by the whole Court; which Bill being sent to the Council, after considerable Debate and Arguments insisted on between the two Houses, (the Council doubtless being thoroughly convinced of the inconvenient Practice of former Boards, and justly fearing the direful Effect and ill Consequence of such a Practice, if not seasonably prevented) gave their Concurrence to the aforesaid Debated Bill, and His Excellency Governour *SHUTE* consented thereto. And that very Bill, this House perswade themselves, was framed in as much Conformity to the Directions in the *Royal Charter* for raising Money, as any one Bill or Act passed the Legislature from the first Being of the *Charter* to this Session: Altho' the Court had been in the practice of supplying the Treasury in a very different way and manner for the space of many Years, yet during that Time great Uneasiness oft times arose in the Representative Body, on account of the misusing the publick Money; so that after a solemn Argument and Debate between the two Houses upon the reason and justness of the then projected way for supplying the Treasury, both

Governour and Council acceded to the Alteration thereof, and continued with the Assembly in Confirming and Establishing the same for the space of Ten Years successively: Should therefore this House now be perswaded or any ways induced to alter the Method for raising Money, so maturely adjudged well adapted for the publick good, and by their Consent subject their Principals Money to the Arbitrary Will and Pleasure of the Governour and Council, would not every one be apt to say, this House had basely betrayed the Trust reposed in them, and brought the Province into Ruine and Destruction, by putting their Estates into the Hands of a very few Persons, at sometime not above Seven, Four of whom may do the Business? [126]

These things considered, the House of Representatives hold themselves strictly bound (without the special Advice and Direction of their Principals at least) to Oppose and Withstand any Projection or Scheme that may tend to leave the Money put into the Treasury under no proper Guards and Restrictions; for that the House esteem such a Concession in them would deprive His Majesty's good Subjects here, of a most invaluable Right and Privilege they have been in the quiet Enjoyment of for time past, in examining and allowing Accompts before Payment, to prevent illegal Draughts. Perhaps, a great Objection may be raised, and it is likely strongly Argued by some, that at a Session of this Court in *April* last, the House of Representatives after much Alteration and long Arguing between the two Houses, on the very Topick of supplying the Treasury, saw reason to Recede from the accustomed way of raising Money, and consented to an Act which vested the Governour and Council only with the Power of Disposing of the same: And tho' the House did it with great Reluctancy, yet they complied therewith to prevent a greater Evil they apprehended might ensue: And why therefore is it not the Duty of this present Assembly to do the like, to bode off the same Mischief falling upon the Province now, by having the Treasury empty, as that House feared likely to come upon the Province by an empty Treasury then? And why should not the present Assembly as unfeignedly endeavour to keep off impending Mischiefs and Perplexities, as their late Predecessors did?

To this Objection, which at first View may seem to carry some Force and Argument with it, let the different Circumstances of the Case then and now be well understood: That Session began on *February* 10. 1730, and on the 9th of *March* following, a Committee of the House was appointed to take under Consideration several Draughts made on the Treasury, which were Reported by a former Committee not agreeable to the Act made for the Supply thereof, who Reported also, which was accepted, and the House in a Message to the Board thereon, Say, That to their very great Surprize, they found the Honourable Board had Consented and Advised to make many Draughts on the Treasurer altogether inconsistent with the *Resolve* and *Act* of Court, and that if the Board

apprehend they may *ad libitum* violate the most solemn Acts of the Court, and dispose of the People's Money contrary thereto, yet the House could not but Judge and Declare such Proceedings very gravaminous and unjustifiable, and might prove of fatal Consequence to His Majesty's good Subjects here: And thus the House proceed and declare, that at least when the Court is sitting, they ought to be acquainted with what Accompts and Demands are made on the Province before Payment thereof. The Day following the Secretary brought down from His Excellency the following Instruction from the Crown to Him, *viz.*

Massachusetts-Bay. 30th Instruction.

W *Hereas an unwarrantable Practice hath of late Years been introduced into the Proceedings of the Assembly of Our Province of the Massachusetts-Bay, of raising Money and supplying the current Service of the Year by a Vote or Resolve instead of an Act of Assembly, and of reserving thereby to the said Assembly a Power of determining what Accompts shall or shall not be paid, even after Service performed, expressly contrary to the tenor of the Charter gran-[127]ted to this Province by Our Royal Predecessors King William and Queen Mary, whereby they are impowered to raise Monies for the Support of Our Government, and for the Defence of the Inhabitants, by Act or Acts of Assembly only, and the issuing of the said Money when raised, is expressly reserved to Our Governour for the time being, with the Advice and Consent of Our Council of the said Province. Now Our Will and Pleasure is, and We do hereby Require you to take Care for the future, that no Money be raised or Bills of Credit issued in that Our Province of the Massachusetts-Bay, but by Act or Acts of Assembly, in which Act or Acts One or more Clauses of Appropriation may be Inserted; but that the passing all Accompts for Payment, and the issuing all Monies so raised or Bills of Credit, be left to Our Governour or Commander in Chief of Our said Province, with the Advice and Consent of Our Council, according to their Charter, subject nevertheless to a future Inquiry of the then present or any other Assembly, as to the Application of such Monies.*

March 20th. A Bill for supplying the Treasury with the Sum of *Twenty Thousand Pounds* in Bills of Credit on this Province, and for the issuing and disposing thereof agreeable to the Direction in the *Royal Charter*, having been at sundry times Debated in the House, and Read Three several Days, passed to be Ingross'd, and was sent up to the Board for Concurrence: On the 23d of said Month the House sent to the Board to know whether they had passed on the Bill for Supply of the Treasury, and were Informed the Board had unanimously non-concurred it; The House being sincerely Solicitous to have the Treasury supplied, on the 24th raised a Committee to confer with a Committee of the Board, on their non-concurring the aforesaid Bill; The House having nothing from the Board on their last Message for a Conference, on

the 30th committed the aforesaid Bill to a Committee to make Amendments thereon. The next Day the same was Read again in the House, and passed to be Ingross'd, and was sent up for Concurrence. *April 1. 1731.* The Board sent down the Bill unanimously concurred with divers Amendments, which the House took immediately into Consideration, and concurred with some of the Amendments, others they non-concurred, and made some further Amendments of their own, and then adhered to the Bill and sent it up. On the next Day the House sent a Message to the Board respecting His Majesty's Instructions to His Governour, in the following Words:

W *Hereas His Excellency the Governour on the 16th of December last, sent down to the late House in General Court then convened, an Instruction from His Majesty, requiring him, among other things, to take especial Care that no more than Thirty Thousand Pounds in Bills of Credit be ever Current at one and the same time; Which Instruction, should the Court endeavour to act in Conformity to, the House deem it next to impossible that the necessary Charge of the Government for the future can be defreyed by His Majesty's good Subjects of this Province, there being nothing else by which their Taxes can be paid, and no other Medium for carrying on the necessary Trade and Business of the whole Province.*

And on the Tenth of March last sent down to the House an Instruction relating to an Act for supplying the Treasury, in which Instruction His Excellency the Governour is Required to take effectual Care for the future, that no Money be raised, or Bills of Credit issued in this Province, but by Act or Acts of Assembly; in [128] which Act or Acts One or more Clauses of Appropriation may be Inserted; But that the passing all Accompts for Payment, and the issuing all Monies so raised or Bills of Credit, be left to our Governour or Commander in Chief of this Province, with the Advice and Consent of the Council, according to the Charter; subject nevertheless to a future Inquiry of the then present or any other Assembly, as to the Application of such Monies.

Which Clause if complied with, would prevent the Exercise of the just Right the Legislature have to direct the Application and Improvement of the publick Money, and greatly endamage His Majesty's good Subjects in cheerfully complying with their Duty in supporting the Government.

Upon Consideration whereof, the House esteem it absolutely necessary that His Majesty be addressed by the Honourable Board and House of Representatives, to withdraw those two Instructions, and that Mr. Speaker, Mr. Cooke, Mr. Welles, Mr. Lewis and Mr. Lynde, together with such as the Honourable Board shall appoint, be a Committee to prepare the Draught of such an Address.

And notwithstanding the House thus laboured with the Board to joyn in Addressing on Matters of so great Importance to this whole Province, they absolutely refused all Assistance, which necessitated a separate Address.

Mr. Secretary came into the House with a Message from His Excellency, directing the Members to attend Him in the Council Chamber, and when come, the Governour, among other things, says to the House of Representatives in the Words following:

I also take this Opportunity to tell you, that I shall always be ready to give my Consent to what may be for the Good and Welfare of this Province, and am at the same time firmly Resolved most cautiously and strictly to conform Myself to My Royal Master's Instructions; And what I now say, arises from the Difficulty you make in the Supply of the Treasury, and in the Establishments of His Majesty's Garrisons within this Province: All your Attempts to do these things otherwise than may be conformable to the King's Royal Instructions, which I have communicated to you, will be vain and fruitless. In another place, — I now expect you will take speedy Care to make a proper and sufficient Supply of the Treasury, for the necessary Support of the King's Government in this Province, and for the Protection and Preservation of the Inhabitants within the same: You are sensible there has been no Money in the Treasury for many Weeks past, and that it is not possible for the Government to subsist without. In the Afternoon, the House continuing willing to supply the Treasury, appointed a Committee to prepare another Draught for that purpose; And on the 6th of said Month the Bill being new Draughted, was Read Three several Times, passed to be Ingross'd, and was sent up for Concurrence. April 6th the Board sent down the Bill concurred with Amendments, which the House Read and Non-concurred, and adhered to the Bill as first sent up. On the 7th the Board non-concurred the Bill and insisted on their Amendments, which being sent to the House was there non-concurred, and they insisted on their own Vote, and sent the Bill up for Concurrence; In the Afternoon of said Day the Board non-concurred the Bill. On the 9th of said Month the Assembly attempted another Draught for supplying the Treasury, and sent it to the Board for Concurrence, where the Day after it was concurred with Amend-[129] ments, and sent down for Concurrence; And on the 12th the House non-concurred the Vote of Council on the aforesaid Bill. On the 14th the House agreed upon another Bill for Supply of the Treasury, and for Establishing the Pay of the Officers and Soldiers at Castle William, and sent it to the Board for Concurrence, which was non-concurred on the same Day; Then several Messages passed between the two Houses on the subject matter of supplying the Treasury: The 22d the House sent up another Bill for Supply of the Treasury, which was accompanied with the following Message, viz.

HIS Majesty's loyal and dutiful Subjects, the Representatives of this Province in General Court now assembled, well knowing that our "Constituents, His Majesty's good Subjects the Freeholders and other Inhabit-

“ants, reposing special Trust in us, that at all times sitting here, we should
“Consult the true Interest of this Country, and endeavour what in us lies
“to perpetuate the invaluable Rights and Priviledges the House of Repre-
“sentatives have been in the quiet Possession of, strictly Obliges the House
“to send up to the Honourable Board the following Message.

“The House taking into their most serious Consideration, the repeated
“Obstructions and final Denials the several Bills draughted by the House
“for supplying the Treasury have met with at the Honourable Board, not-
“withstanding the House cautiously endeavoured to make them agreeable to
“the Directions of the *Royal Charter*, safe-guarding the just and equitable as
“well as accustomed Rights and Priviledges the Representatives have been
“in the free and safe Use and Enjoyment of, respecting their examining Ac-
“compts of Monies expended in the publick Service, before presented to
“the Governour for Payment, by Warrant under His Hand, by and with
“the Advice of His Majesty’s Council, on the Treasury: Wherefore the
“House look upon it their bounden Duty, in great Faithfulness to their Prin-
“cipals, to make known the Reasons in a manner constraining the Assembly
“to comply, and pass the Act for supplying the Treasury in the Way and
“Method they have done, left by their Silence in so important an Article, it
“may hereafter be urged, that the Representatives in General Court assem-
“bled, gave up the Point respecting their Power and Priviledge in inspecting
“Accompts as aforesaid, and conceded that such Examination by the *Royal*
“*Charter* was the peculiar Care of the Board, which is very far from the Senti-
“ments of this House; and as we by consulting the Records of this Court,
“observe is agreeable to the fixed Opinion of preceeding Assemblies, in their
“early Care to prevent Mis-applications of the publick Money, and their
“just and frequent Remonstrances made to the Honourable Board, upon
“such their Mis-applications, earnestly moving the Board, that they would
“for the future forbear such inconvenient Practices. When we consider the
“several Bills prepared and agreed to by the House, and the many Amend-
“ments made by the Board, some of which the House could by no means
“agree to, humbly conceiving the said Amendments would deprive the Rep-
“resentatives of the just and reasonable Share they were in the Enjoyment
“and Exercise of, soon after the Arrival of the present *Charter*, in raising
“Monies and examining into the Expence thereof before Payment, which
“Practice hath been carefully observed by all Assemblies to this Day: When
“we consider the great Care and Pains the House [130] have taken in en-
“deavouring to conciliate the different Apprehensions of the Board and House
“on this Article, by conferring by Committees at the Instance of the House;
“When we consider that after so much of the time of this Session hath been
“spent, and the frequent Attempts of the House to bring this unhappy differ-

“ence to a good and secure Issue, the House earnestly moved for a Conference
 “with the whole Board on this important Article; the Board were pleased to
 “send a Message in Answer thereto, tho’ not in direct Terms, denying a Con-
 “ference, yet industriously avoided the same; by all which the House despair
 “of accommodating this Controversy with the present Board: When we con-
 “sider the many inconceivable Inconveniences we fear may ensue should
 “this Court rise and leave the Treasury without Money, and when we con-
 “sider that in all probability the Court will be kept sitting but a Day or two,
 “and not knowing how soon they may be raised, therefore to avoid the afore-
 “said Inconveniences, and that the Treasury may be furnished with Money
 “for the necessary Support of this Government, for the present, hoping that
 “by an humble Application this House have agreed shall be addressed to His
 “Most Excellent Majesty, His loyal and dutiful Subjects the Representatives
 “will not be deprived of a Priviledge they humbly presume they have so just
 “a Claim to, and which they apprehend by being continued in the practice
 “of, will tend to the Safety and flourishing Estate of this Province, this House
 “therefore (tho’ with much Reluctancy) have passed the present Supply of
 “the Treasury, and sent it to the Board for their Concurrence.

The Board sent down the Bill in the Afternoon unanimously concurred with an Amendment, which the House concurred, adding another Amendment, and sent it up for Concurrence. In the Afternoon of the Day following the Board sent down the aforesaid Vote non-concurred, insisting on their own Vote, which being Read in the House, they non-concurred the Council’s Vote, and insisted on their own, with another Amendment, which being sent to the Council, they non-concurred it; which as soon as the House were informed of, they draughted another Bill for Supply of the Treasury, and sent it for Concurrence, with the following Message to attend it.

THE House (*altho’ with great Reluctancy*) have come into the Bill for supplying the Treasury herewith sent up, being constrained thereunto, by the Reasons contained in a Message laid before the Honourable Board yesterday.

The next Day the Bill came down concurred with Amendments, which Amendments the House Non-concurred, and insisted on the Bill as by them sent up, which the Board Non-concurred; Then the Secretary came into the House, and by the Governour’s Command adjourned the Court to Three a Clock in the Afternoon, being *Saturday* the 24th of *April*, the last Day of that Session. The House when met, agreed upon one other Bill, and sent it up accompanied with the foregoing Message, which the Board concurred. By all which it is manifest the Board were Resolved to concur no Bill but what was conformable to His Majesty’s Instruction, which as that House say even constrained them to Act

as they then did; For in all their Votes and Attempts to supply the Treasury, they were alone, the Board concurring no one, save the last, so that had they then not complied, the whole blame had been charged upon them, one other branch of the Legislature, *to wit*, the Council, refusing to joyn them as aforehinted; Wherefore they concluded [131] rather to submit at such a critical Juncture, and remonstrate their Difficulties in an humble and dutiful Address to His Majesty.

The present State and Circumstance of the Court, touching the Article of supplying the Treasury, stands thus; On the 5th of *June* last, the House agreed upon a good and safe Bill, one in all respects agreeable to the *Royal Charter*, for the Supply of the Treasury, which His Majesty's Council being very sensible of, when it was sent to them, they concurred therewith; and had it been the Governour's Pleasure to have given His Consent thereto, this Court might have been up upwards of a Month past, and the publick Debts discharged, His Majesty's Forts and Garrisons sufficiently provided for as accustomed, and the Affairs of the Government in a more happy Posture than at present they seem to be. The Representative Body of the People, in Conjunction with the Members of His Majesty's Council, pass a Bill for a sufficient Supply to the Treasury, to answer the Demands of the Government; but when the same is laid before the Governour, He accounts He is forbid by an Instruction from His Majesty to give His Assent thereto: This indeed is a great Unhappiness, and occasions a considerable Expence of Time and Money, but not brought upon the Province by any neglect of the General Assembly, but is in Consequence of an Instruction from the Crown, which the two Houses have addressed His Majesty upon. Notwithstanding His Excellency the Governour refused that Bill, the House esteemed it their Duty to endeavour that the Treasury might be supplied, which engaged them to prepare another Bill for that purpose, which met with a Non-concurrence at the Board: Having therefore proceeded in that Affair, as far as the Safety and Priviledge of the People will permit, and what chiefly still discourages and forbids the House in preparing any other Bill on this Head, arises from the Answer made by the Board, upon the Oath they had taken as Counsellours, to the Two Questions put to them by the Governour on the 30th of *July* last, by Resolving of which, they were of Advice to His Excellency, to keep the Court sitting here till there be a sufficient Supply of Money in the Treasury; so that if they Act consistent with themselves, they will look upon no Bill to afford a sufficient Supply of Money, but such as takes Care to discharge all such Draughts as they themselves have been of Advice to the Governour to draw upon the Treasurer for. And should this House come into such a Bill, it would indeed be agreeable to His Majesty's Instruction, the Dispute over, all Matters determined, and the publick Monies for the future subjected to the Governour and Council.

The Governour at the opening this Session, lays a considerable Stress upon what the late Assembly did, and seems to make no question but this Assembly will readily go on to supply the Treasury as the last did: And in His Message of the 28th of *July* last, makes a considerable advance in that way of Arguing, mentioning it, That since an Address went from a former House of Representatives, humbly imploring His Majesty's Favour on that Head, that Deference and Duty to His Majesty, should lead this House to go on and supply the Treasury as that Assembly did, at least till the House of Representatives may receive His Majesty's Pleasure in Answer thereto. If this House should be by such Perswasions, prevailed upon to supply the Treasury from time to time in that loose manner, till His Majesty's Pleasure [132] arrive here, it would be very hard to conceive when succeeding Assemblies will be able to extricate this People from the Pressures and Burthens they would labour under by such a Concession, and by repeating Instances of supplying in such a manner, render it vastly difficult ever to put a stop to such an inconvenient Practice: For it's well known His Majesty will take His own Time and Leisure to signify His Pleasure to the Assembly touching that Address. Inasmuch therefore as it is great Prudence in a People to be rightly instructed and well informed of their Rights, their Happiness or Misery depending upon the enjoyment or loss of Liberty; and when a People are informed of their just Rights, from a due Sense of their inestimable Value, they will be encouraged to Assert them: Lest therefore this House should be instrumental in making this People miserable, by depriving them of their Liberty in Acting or not Acting on this important Article of supplying the Treasury at this critical Juncture, is what incites and engages this House to pursue this Method in applying to their Constituents, that after a most deliberate Thought and serious Consideration of what is here exhibited, upon their being lawfully Assembled in publick Town-Meetings, the several Members of this House may have their Advice and Instructions, that so those steps may be concluded upon, as shall be adjudged most tending to the Peace, Safety and Welfare of this Province. In order therefore that the foregoing Representation may be laid before the several Towns within this Province, for the Ends and Purposes herein proposed, it is most earnestly recommended to the Select-men of the Towns as soon as conveniently they can, after the Reception hereof, to take effectual Care that the Freeholders and other Inhabitants qualified, be assembled, that they may have an Opportunity to send Advice and Directions to their Members as in their sound Judgment and Discretion shall be thought best.

A Petition of *John Durfey* of *Freetown*, in the County of *Bristol*, Yeoman, setting forth, That at an Inferiour Court of Common Pleas held at *Bristol*, on the second *Tuesday* of *July* last, one *Mary Lawton* of *Portsmouth*, Widow, recovered Judgment upon a Bond against him by Default, from which Judgment he Appealed to the next Superiour Court of Judicature, to be held at *Bristol*, on the

second *Tuesday* of *September* next, praying, (for Reasons mentioned in the Petition) That the Justices of the said Superiour Court may be directed and empowered at their next Session for the County aforesaid, to proceed to the Trial of the Case, altho' he made Default as aforesaid; any Law, Usage or Custom to the contrary notwithstanding.

Read, and *Ordered*, That the Petitioner serve the adverse Party, or her Attorney, with a Copy of the Petition, that so she may shew Cause (if any she have) on *Tuesday* next, why the prayer thereof may not be granted.

Sent up for Concurrence.

A Declaration and Information of *Henry Dwight* Esq; setting forth, That great Numbers of Strangers, without any Liberty, are incroaching and settling in sundry parts of the best of the undivided Land within this Province, more especially on a Tract of Land called, *The Elbows*, between *Hadley* and *Brookfield*, praying, (for Reasons mentioned in the Petition) That the Court would take the Premises under their Consideration, and take such measures as they shall think fit, to prevent any more such disorderly Settlements, &c. Pass'd in Council, viz. In Council, *August* 18. 1731. Upon Reading the within Petition, [133]

Ordered, That *Samuel Thaxter*, *William Dudley* and *Thomas Cushing* Esqrs. with such as the Honourable House of Representatives shall appoint, be a Committee to inquire into the Matters contained in the within Petition, and to Report what they think proper to be done in the Affair, as soon as may be. Sent down for Concurrence. Read.

Then the House Adjourned till to Morrow, Three a Clock Afternoon.

Jobis Die 19. *Augusti*, A. D. 1731.

THE Information of *Henry Dwight* Esq; with the Vote of Council thereon, Read again, and *Ordered*, That Mr. *Welles*, Mr. *Baxter*, Mr. *Hobson*, Maj. *Brattle* and Mr. *Bourn*, be joyn'd in the Affair. Sent up.

Ordered, That Maj. *Bowles* go up with a Message to the Honourable Board, to acquaint them, that this House propose to come upon the Choice of a Collector of Excise for the County of *Worcester*, to Morrow at Eleven a Clock in the Forenoon, and desire that they would joyn with them in that Affair.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Veneris Die 20. *Augusti*, A. D. 1731.

THomas *Cushing* Esq; brought down from the Honourable Board, the Petition of *Ebenezer Thornton*, praying as entred the 23d of *July* last, pass'd in Council, viz. In Council, *July* 27. 1731. Read and non-concurred. *August* 5th 1731. Read and re-considered, and Voted a Concurrence. In Council, *August* 18th. 1731.

Whereas on the 5th Instant the Board concurred with the Honourable House of Representatives, in ordering the Petitioner to serve the within-named *John Seabury*, or his Attorney, with a Copy of this Petition, that so he might shew Cause (if any he had) on the first *Friday* of the next Session, why the prayer thereof should not be granted: But the said *Seabury's* Attorney Mr. *Harbottle Dorr* having been served with a Copy of this Petition, prayed the Court now to pass upon it, having his Answers ready.

Ordered, That the said *Seabury*, or his Attorney, have liberty to give in his Answer to the said Petition to this Court at their present Session, the above-written Vote to the contrary notwithstanding.

Sent down for Concurrence.

Read and concurred, and *Wednesday* next (if the Court be then sitting) appointed to receive the said Answer, and *Ordered*, That the said *Seabury*, or his Attorney, seasonably Notify the Petitioner of this Order.

Sent up for Concurrence.

Also a Petition of *David Jacob* and *Samuel Barker*, for themselves and on behalf of sundry Inhabitants of the *North Precinct* in *Scituate*, wherein they have reference to a Petition exhibited to this Court on the 12th Instant, by said *Jacobs* and others, and now fully represent the Fact suggested in the said Petition, and the Circumstances attending the same, praying the Court to take the Affair under their Consideration, and do therein what in their [134] Wisdom shall be thought just and reasonable, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *August* 19th. 1731.

Upon Reading this Petition, *Ordered*, That *Thomas Palmer* and *Ezekiel Lewis* Esqrs. with such as the Honourable House shall appoint, be a Committee to examine into the Matters complained of, and Report as soon as may be what is proper for this Court to do in the Affair.

Sent down for Concurrence.

Read and concurred, and *Ordered*, That Mr. *Shove*, Mr. *Bourn* and Capt. *Goddard*, be joined in the Affair.

A Message from the Honourable Board by *William Dudley* Esq; to inform the House, that the Board was ready to join with them in the Choice of a Collector of Excise for the County of *Worcester*.

The House proceeded to the Choice of the said Officer, and *Ordered*, That Maj. *Bowles*, Maj. *Brattle* and Mr. *Lemmon*, be a Committee to carry up their Votes, and assist in numbring and sorting the same, together with the Votes of the Honourable Board, and Report the Choice that shall be made, and they accordingly carried up the said Votes, and upon their return Reported, That Mr. *James Wilder* was chosen by a very great Majority.

The Committee appointed the 18th Instant, to prepare an Answer to His Excellency's Message of the 28th of *July* last, Reported, That they had prepared a Draught, which was read and accepted.

Ordered, That M. *Welles* and Mr. *Shove* be join'd to the Committee appointed the 6th Instant, to write to the Government of *Rhode-Island*, in the Room of Mr. *Cooke* and Mr. *Lynde* now absent.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Vote of the 28th of *July* last, respecting the Boundaries between this Government and *New Hampshire*, pass'd in Council, viz. In Council, *August* 17. 1731. Read and concurred with Amendments, as taken into a new Draught. Sent down for Concurrence. Read and concurred, and *Ordered*, That Mr. *Shove* be added to the Committee.

Sent up for Concurrence.

The Petition of *Joseph Young*, entred the 17th Instant, Read again, and in Answer thereto, *Ordered*, That the Sum of *Sixteen Pounds Sixteen Shillings* be allowed and paid out of the publick Treasury to the Petitioner or his Order, in full for the Service therein mentioned.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Nine a Clock.

Sabbati Die 21. Augusti, A. D. 1731.

A Petition of *John King* and *Philip King*, praying, That they with their Estates may be set off from *Raynham* to the Town of *Taunton*, from whence they were taken, for Reasons mentioned. Read, and [135]

Ordered, That the Petitioners serve the Town of *Raynham* with a Copy of the Petition, that so they may shew Cause (if any they have) on *Tuesday* the Fourteenth of *September* next, (if this Court be then sitting, if not, on the first *Friday* of this Court's next sitting) why the prayer thereof may not be granted.

Sent up for Concurrence.

In the House of Representatives, August 21. 1731.

Ordered, That *Henry Jocelyn*, late Constable of the Town of *Attleborough*, recognize before one of His Majesty's Justices of the Peace for the County of *Bristol*, in the Sum of *One Hundred Pounds*, for his Appearance at the next Superior Court of Judicature, Court of Assize and General Goal Delivery, to be holden at *Bristol* for the said County, then and there to bring forward and prosecute his Complaint, lately exhibited to this Court, against *Job Bartlet* and others, for seizing and carrying him the said *Jocelyn* to *Providence Goal*, on the 19th of *July* last. And that *Charles Church* Esq; Sheriff of the County aforesaid, also recognize before some Justice of the Peace for the same County, in the

Sum of *One Hundred Pounds*, to Appear at the said Court, to prosecute his Complaint against the said *Job Bartlet* and others, for their insulting and abusing of him and his Assistants, while in the Execution of a Warrant from His Excellency the Governour (the 27th of said *July*) pursuant to a Vote of this Great and General Court or Assembly; and that the said Sheriff take effectual Care that the Witnesses timely recognize before some Justice of the Peace, in a Sum not exceeding *Ten Pounds* each, for their Appearance at the Court aforesaid, to give Evidence on His Majesty's behalf relating to the said Complaints or either of them. And that it be and hereby is recommended to one or more of His Majesty's Justices for the aforesaid County, forthwith to issue out a Warrant for apprehending of *Joseph Browne* of *Attleborough* aforesaid, in order to his recognizing in the Sum of *Three Hundred Pounds* as principal, with Two sufficient Sureties, in the Sum of *One Hundred and Fifty Pounds* each, (the Sureties to be Inhabitants of this Province, except such as Dwell on the Gore of Land) condition'd for his the said *Browne's* Appearance at the Court aforesaid, to Answer to what shall then and there be objected against him, on His Majesty's behalf, more especially the Complaint of the before-named *Henry Jocelyn*, for his assisting the before-named *Job Bartlet*, in seizing and carrying the said *Jocelyn* to the Goal aforesaid, and also to the Complaint of the said Mr. Sheriff *Church*, and to be of the good Behaviour in the mean time. And that the Complainants be, and hereby are directed and impowred to improve one or more Attornies to assist them in bringing forward and prosecuting their said Complaints; The Charge of the Prosecution to be born by this Province.

Sent up for Concurrence.

Ordered, That Col. *Gorham*, Mr. *Almy*, Mr. *Thatcher*, Mr. *Hall*, Maj. *Bowles*, Mr. *Bourn* and Maj. *Brattle*, wait upon His Excellency with the following Message, viz.

May it please Your Excellency,

THE House of Representatives have maturely considered Your Excellency's Message of the 28th of July last, acquainting them, that upon their Message of the 20th of the same Month, Your Excellency had laid before His Majesty's Council, the following Questions, viz. [136]

Whether the Bill for Supply of the Treasury, pass'd this Session by the House of Representatives, and concurred by His Majesty's Council, be conformable to the King's 30th Instruction to Your Excellency?

Whether it would be for His Majesty's Honour and Service, and consistent with the necessary Defence of His Government in this Province, that Your Excellency suffer this Court to rise without making a sufficient Supply of Money to the Treasury, which has been empty from the first sitting of this Assembly?

And that both those Questions pass'd in the Negative.

Upon which we beg leave to observe to Your Excellency, That it is indeed very surprising to find the Council of Advice to Your Excellency, not to suffer this Court to rise without making a sufficient Supply of Money to the Treasury, not manifesting at the same time to Your Excellency, that the Bill passed by both Houses in the present Session, had (in their Opinion) provided such a Supply.

And altho' those Answers may seem to imply, that no Supply of the Treasury can be deem'd sufficient, but such as is strictly conformable to His Majesty's 30th Instruction, yet we humbly conceive that the Gentlemen of the Council could by no means so intend them, since that would be inconsistent with their Vote of Concurrence on the Bill aforesaid, and their express Declaration in the joynt Address to His Majesty, agreed on in this present Session: Therefore had the Question been put, Whether the said Bill was conformable to the Royal Charter? (the grand Instruction or Rule of Procedure in the Affairs of this Government) it is very manifest that the Answer of the Council must have been in the affirmative.

The House cannot but be deeply concerned to find Your Excellency laying so much Stress upon the Answers of the Council, to Questions founded upon and restricted to His Majesty's 30th Instruction only, as to think Yourself Obligated to refuse Your Assent to any Method proposed for the Supply of the Treasury that shall not be exactly conformable to the said Instruction, as Your Excellency's Message seems to imply.

Your Excellency is pleased to intimate, that since an Address went from a former House of Representatives to His Majesty on the Affair of a Supply of the Treasury, Deference and Duty to Him should lead us to go on in making a Supply (as the last Assembly did, and was formerly done for Thirty Years together) at least till we receive His Majesty's Pleasure therein. Upon which we would offer, That if what we insist upon be our Right, and it be of great Importance for us to exercise it, (as we apprehend it to be) that then we are bound in faithfulness to our Constituents to adhere to it, while at the same time we are making humble Application to His Majesty on that Head. And as to what Your Excellency is pleased to say concerning the Practice of this Court for Thirty Years together, it seems to import, That constantly during that Term, the Treasury was supplied without reserving to the House of Representatives a Right of Examination of Accompts before Payment; whereas it appears of Record, that so early as the Year 1693, (the next Year after we received the present Charter) the Act for the Supply of the Treasury made express Provision, that the Money then raised should be issued for the answering the publick Debts, and other Payments allowed by the whole Court. And it also appears by frequent Instances, that the House of Repre-[137]sentatives during that term and ever since, have acted in Conjunction with the other Branches of the Legislature, in passing upon Accompts before Payment.

As we had from Your Excellency the earliest Notice upon our coming together, of an empty Treasury, so we took the earliest Care to make a Supply sufficient to

answer the publick Debts, which we did in a method consistent with the Royal Charter, and so far conformable to His Majesty's 30th Instruction, that it was done by an Act, in which Act Provision is made, that the Monies be issued by Warrant from Your Excellency, by and with the Advice and Consent of His Majesty's Council.

We would further observe to Your Excellency, That as the last Assembly, in their Address to His Majesty (to illustrate as we conceive the Hazard the Province might be exposed to) did concede, that to leave the Treasury empty, would be in effect to dismantle all the Forts and Garrisons, leave the Government defenceless, and put an end to all Safety; so in the same Address, they remonstrate on the other Hand, a Mischief equally dangerous, as we conceive, to the Province, should the House be obliged to supply the Treasury with Money, as long as the People they Represent have any, let their Money be never so much imbezzeled. The Restrictions and Limitations as to the issuing of the publick Money, specified in the aforesaid Bill for the Supply of the Treasury, being no more, as we conceive, than what are just and reasonable, as well as necessary for the publick Welfare and Safety of this People, we can't but apprehend it to be a great Hardship for the House to be kept together, to compel them to come into such a Method of Supply as they have declared to be in their Opinion, inconsistent with the just Rights of the People whom they represent. For we humbly apprehend, that the Great and General Court, for the time being, have by the Royal Charter, full Power and Authority, from time to time, to Make, Ordain and Establish such Laws as they shall judge to be for the Good and Welfare of the Province, (provided they are not repugnant to the Laws of England) not only for the ordering and governing of the People inhabiting here, but for the necessary support and defence of the Government; whereby they have an undoubted Right to supply the Treasury with Bills of Credit on this Province, in order to discharge the publick Debts, and to subject the Moneys supplied for that purpose, to such Restrictions and Limitations as may most conduce to the good of the Province, and the security of its Treasure. Provided always, that it be issued and disposed of by Warrant under the Hand of the Governour for the time being, with the Advice and Consent of the Council. All which being provided for in the Bill referred to, we therefore are of Opinion, That whatsoever Mischiefs or Inconveniencies may happen to the Province by the Treasury's remaining empty, must be attributed to the Instruction, as understood and improved by Your Excellency. And having now made a Representation of the state of the Case to our Principals (without whose special Direction we can make no Advances towards a new Method for supplying the Treasury, and whose Advice cannot be expected under some considerable time) we can't but hope Your Excellency will think it unreasonable that the Court be detained in the interim, since the House cannot act in that Affair, and there is nothing else of Importance lying before this Court, and therefore pray Your Excellency to give the Court a convenient Recess on this Occasion. [138]

Melariah Bourn Esq; brought down from the Honourable Board, the Report of a Committee of both Houses, appointed to consider of the Petition of *David Jacob* and others, as entred the 20th Instant, Pass'd in Council, viz. In Council, *August 21. 1731.* Read and accepted.

Sent down for Concurrence. Read and concurred.

Mr. *Samuel Tyley* came down with a Message from His Excellency, viz.

Mr. Speaker,

HIS Excellency has declared, That it is His Pleasure, that this Great and General Court be adjourned till Wednesday next, Ten o' Clock in the Forenoon.

VOTES

Of the House of Representatives.

Mercurij Die 25. Augusti, A. D. 1731.

A Petition of *Joseph Lucas*, and others, Inhabitants of the *Southerly* part of the Town of *Plimpton*, praying, (for Reasons mentioned in the Petition) That the Town of *Plimpton*, who were ordered to make Answer to a Petition of *John Carver* and others, Inhabitants of the said part of said Town, on the second *Wednesday* of the next Session (as entred the 2d of *June* last) might be ordered to give in their Reasons this present Session.

Read, and *Ordered*, That the Petitioners serve the Town of *Plimpton* with a Copy of the Petition, that so they may shew Cause (if any they have) on *Wednesday* the first Day of *September* next, if this Court be then sitting, if not, on the Time assign'd in the former Order, why the Prayer thereof may not be granted.

Sent up for Concurrence.

A Petition of *Grace Potter*, Widow, and Executrix of the last Will and Testament of *Judah Potter*, late of *Concord*, in the County of *Middlesex*, deceased, praying, That she may be allowed and paid out of the publick Treasury, the Sum of *Twenty two Pounds*, for the like Sum in Bills of publick Credit on this Province, consumed by Fire, when her said late Husband's Dwelling-House was burnt.

Read, and in Answer thereto, *Ordered*, That Mr. Treasurer be and hereby is directed to deliver out of the Treasury (of the Bills in his Hands received in by Taxes, &c.) unto the within-named Petitioner, qualified as aforesaid, the Sum of *Twenty two Pounds*, the Treasurer to Accompt for the said Sum, as for Bills burnt by Order of this Court.

Sent up for Concurrence.

Voted, That the Committee of this House appointed the 19th of *June* last, to write to the Agent in the Recess of the Court, be directed to write forthwith, and that such a Number of the Representations of the State of the Affair respecting the Supply of the Treasury, as the Committee shall [140] think proper, be sent to the Agent; and that Mr. *Shove*, Maj. *Brattle* and Mr. *Lynde*, be added to the said Committee.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

In the House of Representatives, August 25. 1731.

Whereas this House have been duly certified, That Col. *Johnson Harmon* (several Years since appointed by this Court, Collector of Excise in the County

of *York*) hath neglected to make Payment, agreeable to Law, of the Sums of Money by him received by Virtue of his said Office, and hath repeated his so doing in such a manner, as to occasion the Treasurer of the Province to put in suit the Bonds of the said Collector,

Voted, That the said *Johnson Harmon* be and hereby is removed from his said Office, and that His Majesty's Justices of the Peace for the said County, be advised hereof, that so they may proceed to the Appointment of some other suitable Person for the said Office, in the Room of the said *Harmon*. Sent up for Concurrence.

A Petition of *Joseph Weld*, Yeoman, and *Mary Corey*, Widow, both of *Roxbury*, in the County of *Suffolk*, Administrators of the Estate of *John Corey*, late of said *Roxbury*, Yeoman, deceased, praying, That they may be Authorized and empowered by this Court, to make Sale of the whole of the said deceased's Real Estate in *Roxbury* aforesaid, to the highest Bidder, the Produce arising by such Sale to be applied for the Payment of the said deceased's just Debts, and the Overplus to be secured and employed for the Benefit of the Widow and Children of the said Intestate, in such manner as the Court shall think most agreeable to Law, for Reasons mentioned. Read.

Ordered, That Mr. *Cushing* go up with a Message to the Honourable Board, to inquire what they have done on the Vote of the 24th of *June* last, appointing a Committee of both Houses, to prepare the Draught of a Letter to the Agent of this Province, to furnish him with proper Arguments for obviating any Misrepresentations that may be made against the Province. Who returned he had delivered the Message.

Melatih Bourn Esq; came down from the Honourable Board with the following Message, viz.

In Council, *August 25. 1731.*

Voted, That the following Message be sent down to the Honourable House of Representatives.

Whereas His Excellency was pleased this Day to ask the Advice of His Majesty's Council, upon a Message he received from the Honourable House of Representatives on *Saturday* last, praying for a convenient Recess; and the Council thereupon having advised His Excellency to grant their Request, now propose it as their Opinion, That it is requisite for the Honourable House of Representatives to bring forward a Bill providing a sufficient Supply to defrey such incident Charges, as may happen [141] to arise during the Recess of this Court, that may demand prompt Payment: And the rather, because His Excellency has intimated to the Board, that He expects in a few Days, Delegates from the *Indian Tribes* in the *Eastern Parts*; it being a Matter of great Consequence to this Government, they should be suitably entertained, and seasonably dismiss.

Read, and thereupon *Ordered*, That a Sum not exceeding *Three Hundred Pounds*, be advanced and paid out of the Money lying in the Treasurer's Hands, for carrying on the Trade with the *Indians*, to purchase proper Presents for the Delegates expected from the *Eastern Tribes*, and for their Entertainment, if they should happen to arrive here during the Recess which His Excellency may now be pleased to give this Court.

Sent up for Concurrence.

Joseph Wadsworth Esq; came down with a Message from the Honourable Board, desiring to speak with the Representative of the Town of *Concord*, who having the leave of the House, went up.

Samuel Thaxter Esq; brought down from the Honourable Board, the Petition of *Joseph Lucas* and others, entred this Morning. Pass'd in Council, *viz.* In Council, *August 25. 1731.* Read and concurred so far, as that the Respondent shew Cause, on *Friday* the Twenty Fourth of *September* next, why the Prayer of the Petition should not be granted.

Sent down for Concurrence. Read and Concurred.

Mr. *Samuel Tyley* brought down from His Excellency the following Message, *viz.*

Gentlemen of the House of Representatives,

YOU would have had my Answer to the Message you sent me the 21st Instant, before now, but that I had ordered a General Council on this Day, with whom, in Duty and Fidelity to His Majesty, and from my great Concern for this Province, I was willing to advise on the important Affair of the Court's rising before you have supplied the Treasury with Money; more especially, that you are now sitting, since your last Request for a Recess, by the Advice and Opinion of His Majesty's Council, given me in the most solemn manner on the Bill you projected this Session for the Supply of the Treasury; which Opinion confirm'd me in my own, that I could not give my Assent to that Bill, but in open Violation of the King's strict Commands to me to the contrary: And at the same time the Council agreed with me, that it was not consistent with the necessary Defence of this Government, nor with the Safety of the Inhabitants, that this Court should rise without making a sufficient Supply of Money to the Treasury. Your saying to me, That had the Question about the Supply been put in another Manner, it had been answered in the Affirmative, is saying more than you could know, and I believe without President to presume to direct the King's Governour how he is to conduct his Administration. You ought therefore for the future, cautiously to avoid the Charge the King made on the House of Representatives in the Time of my immediate Predecessor, *viz.* "That they seem likewise to have "forgot that Decency and Respect which is always due to their Governour,

"who has the Honour to Represent His Majesty's Person in that Colony." I am [142] surprized, *Gentlemen*, at your saying, You are concern'd at my laying Stress on the Opinion of the Council, who by the *Royal Charter* are appointed to be advising and assisting to the Governour, and are Sworn to give their Advice accordingly, (at their Admission into the Council) for the good Management of the publick Affairs of this Government. To what End are they appointed? And why did I ask their Advice and Opinion, if no Stress was to be laid upon it? I have no doubt but the Council would have been willing to have answered otherwise with respect to the Supply of the Treasury, could they have done it consistent with Common Sense and a good Conscience.

I am sorry here to have Occasion to repeat to you, part of His Majesty's Instruction to me on this Head, and which you are sensible arose (and was sent to the late Lieutenant-Governour) upon the new way got into of supplying the Treasury. His Majesty's Words are these:

"**W**Hereas an unwarrantable Practice hath of late Years been introduced into the Proceedings of the Assembly of Our Province of the *Massachusetts-Bay*, of raising Money and supplying the current Service of "the Year by a *Vote* or *Resolve*, instead of an *Act* of Assembly, and of reserving "thereby to the said Assembly, a Power of determining what Accounts shall or "shall not be paid, even after Service performed, *EXPRESLY CONTRARY* "TO THE TENOUR OF THE CHARTER, &c. Now Our Will and Pleasure "is, and We do hereby Require you to take care for the Future, — *THAT* "THE PASSING ALL ACCOUNTS FOR PAYMENT, and the issuing all "ACCOUNTS FOR PAYMENT, and the issuing all Monies so raised, or "Bills of Credit, be left to Our Governour and Commander in Chief of Our said "Province, with the Advice and Consent of Our Council, *ACCORDING TO* "THEIR CHARTER" Surely he that runs may Read, and Understand, and must say, That had I given my Assent to the Bill you refer to for supplying the Treasury, it must have been a direct breach of the King's Orders. After I have said this, I think it will be impossible to attribute the Mischiefs and Inconveniencies that may happen to the Province by the Treasury's remaining empty, to the Understanding I have of the King's Royal Instruction, and accordingly paying to it the Obedience I owe to His Majesty; but I am fully perswaded the Inconveniencies you suggest, will finally be attributed to your selves. I think my self obliged to observe to you, as to the Practice of supplying the Treasury for near Thirty Years after the Grant of the present Charter, That if there are a few Instances of the Nature you mention, yet you well know it was more generally otherwise, and in the manner His Majesty says is most agreeable to the Charter: And had you so gone on in the Way of your Duty, this Province had been in a great measure Strangers to the vast Charge and Difficulties brought upon them since the Year 1721. And

since I have so publickly declared, that I neither dare nor will act contrary to the King's Orders and Commands, I cannot but admire at those Words in your Message, *viz.* "To think your self obliged to refuse your Assent to "any Method proposed for the Supply of the Treasury, that shall not be "exactly conformable to the said Instruction." [143]

I must observe to you, That the Dispute you are now making, is with the King, the best and most gracious of Sovereigns; and I have no other Concern in the Matter, than as I have the great Honour to be His Servant.

Upon the whole, *Gentlemen*, I do assure you, that I am as sincerely desirous as you can possibly be, of the lasting Welfare and Happiness of *New-England*, where is my Family, and all my little Substance; and it will be with the greatest Pleasure, that I shall embrace every Opportunity may fall in my Power to promote the Prosperity of my Brethren, and which I think may be done consistent with my paying the Duty and Obedience I owe and shall always pay to the King's Orders.

August 25. 1731.

J. BELCHER.

Which when he had finished the Reading of, he said, That it was His Excellency's Pleasure, that this House attend Him in the Council Chamber. Mr. Speaker and the House accordingly went up, and His Excellency having given his Assent to the Bill Intituled, *An Act for Apportioning and Assessing a Tax of Six Thousand Eight Hundred and eighteen Pounds, and for Assessing a Tax of Twenty Pounds laid on the Town of Weston, for not sending a Representative, and also for Apportioning and Assessing one other Tax of Four Thousand one Hundred and nine Pounds six Shillings, paid the Representatives for the Year 1730-1. And a further Tax of One Thousand Pounds emitted and appropriated for the Payment of His Majesty's Council in this present Year 1730-1.* Mr. Tyley declared, That it was His Excellency's Pleasure, that the Great and General Court be adjourned to *Wednesday* the Twenty Second Day of *September* next, Ten o'Clock in the Forenoon, and that the same was accordingly adjourned to that Time.

VOTES

Of the House of Representatives.

Mercurij Die 22. Septembris, A. D. 1731.

AN Accompt of *John Appleton*, Esq; Treasurer for the County of *Essex*, presented for Allowance. Read, and committed to the Committee appointed the 5th of *August* last, to consider of the Accompt of the Treasurer for the County of *Plimouth*.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Petition of *John Corey's* Administration, praying as entred the 25th. of *August* last, Read again.

Upon a Motion made, and seconded,

Ordered, That Mr. *Cooke*, Mr. *Welles*, Mr. *Shove*, Col. *Church*, Mr. *Lynde*, Mr. *Mason*, Mr. *Thatcher* and Capt. *Foster*, with such as shall be joined by the Honourable Board, be a Committee to take under Consideration the Controversy referring to the Boundary Line between this Province, and the Colony of *Rhode-Island*, and Report as soon as may be, what may be proper for this Court further to do thereon.

Sent up for Concurrence.

William Clarke Esq; brought down the following Order of Council, *viz.*

In Council, *September 22d. 1731.*

Ordered, That the Committee appointed by this Court, to prepare the Draught of a Letter to the Government of *Rhode-Island*, be directed to observe in the said Draught, the violent Treatment which divers of His Majesty's Subjects of this Province, have lately received from some of the People of that Colony, supported by the Magistrates there, as is represented to this Court; and to make Demand of a proper Satisfaction for the same.

Sent down for Concurrence.

Read and concurred. [146]

Mr. Secretary came into the House, and acquainted Mr. Speaker, That His Excellency had lately received a Letter referring to the Boundary Line between *Rhode-Island* Government and this, which His Excellency directed him to communicate to the Court, and laid the same on the Speaker's Table, and then withdrew.

The said Letter was Read.

Upon a Motion made, and seconded,

Ordered, That Mr. Lynde, Mr. Lemmon, and Major Epes, be added to the Committee appointed to consider of the several County Treasurer's Accompts. Then the House Adjourned till to Morrow Morning Ten o'Clock.

Jobis Die 23. Septembris, A. D. 1731.

O*rdere*d, That Mr. Speaker, Mr. Welles, Mr. Cooke, Mr. Lynde and Mr. Cushing, with such as shall be joined by the Honourable Board, be a Committee to prepare the Draught of a Letter to the Agent of this Province, in order to furnish him with proper Arguments to defend the Province against any Misrepresentations that may be made relating to the Trade thereof, and transmit it to the Agent by the first Opportunity, if they think best.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

In the House of Representatives, September 23. 1731.

Ordered, That Mr. Choat, Mr. Stearns, Mr. Hobson, Mr. Webster and Mr. Bancroft, wait upon His Honour the Lieutenant-Governour with the following Message, *viz.*

Inasmuch as it is an extream busy Season of the Year, and likely to be so for some Time, by Reason of the latter Harvest,

Voted, That it is the earnest Desire of this House, That His Honour the Lieutenant-Governour would be pleased to give the Court a convenient Recess, if he shall think proper.

Mr. Secretary came down from His Honour the Lieutenant-Governour with the following Message, *viz.*

Mr. Speaker,

H*IS Honour the Lieutenant-Governour has ordered me to acquaint this Honourable House, (as an Answer to their Message desiring a Recess) That he has received a Letter from His Excellency the Governour, in which he directs him to keep the Assembly sitting, till he has his further Advice by the next Post, which would bring him an Act referring to the Line between this Province and the Province of New-Hampshire. [147]*

An Ingross'd Bill (brought down this Morning by Mr. Secretary) Intituled, *An Act to subject the unimproved Lands within this Province, belonging to Non-Resident Proprietors, to be sold for payment of Taxes or Assessments levied on them by Order of the Great and General Court.*

Read, and pass'd to be Enacted.

A Petition of *William Winter*, setting forth, That he lately brought some

Goods on Freight from *Virginia*, which were shipped as the Property of one *Harrestoy*, and so always understood by the Petitioner, and upon the Petitioner's arrival at *Boston*, the said Goods were taken out of his Hands by force of an Execution, as the said *Harrestoy's* Estate, by one Mrs. *Waldron*, who had obtained Judgment against the said *Harrestoy* for a considerable Sum of Money; notwithstanding which, one *Richard Tucker* pretending an Order for the said Goods, as also that they were his Property, bro't an Action against the Petitioner, who being bound to Sea, employed an Attorney, but it so happened, that by Reason of his own and his Attorney's Absence, Judgment went against him, and Execution has issued out, and been served on the Petitioner, who has now brought his Writ of Review, in Order to a Trial of the Case at the Inferiour Court of Common Pleas to be holden in the County of *Suffolk*, on the first *Tuesday* of *October* next: Praying the Court so far to interpose, as to suspend the Execution till the Event of the said Review is known, for Reasons mentioned.

Read, and *Ordered*, That the Petitioner serve the adverse Party with a Copy of the Petition, that so he may shew Case, if any he have, to Morrow at Three o' Clock in the Afternoon, why the Prayer thereof may not be granted.

Sent up for Concurrence.

A Memorial of *John Gyles*, Capt. of the Fort on *George's* River, Representing, That if sundries by him therein mentioned were purchased and put into the Hands of some prudent Person, and distributed in convenient Quantities from Time to Time, to and among the most deserving of the *Indians* that frequent that Fort, it would be of good Service to the Publick; as also, that the *Indians* think they ought to have some Allowance made them by the Government, upon the Account of some damnified *Indian* Meal they were necessitated to buy in the Year 1730. and paid a full Price for, which the Memorialist submits to the Wisdom of the Court.

Read.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Veneris Die 24. *Septembris*, A. D. 1731.

Ezekiel Lewis Esq; brought down from the Honourable Board, the Petition of *John* and *Philip King*.

John Alford Esq; brought down a Petition of *Samuel Sturtevant* and *Joseph Thomas*, Agents for the Town of *Plimpton*, praying, That further Time may be allowed them to give in their Reasons why the Prayer of the Petition of sundry of the Inhabitants of the *Southerly* part of the said Town, [148] lately exhibited to this Court, should not be granted, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *September* 24. 1731. Read,

and *Ordered*, That the Prayer of this Petition be granted, and that the Petitioners give in their Answer on *Wednesday* the 29th Instant.

Sent down for Concurrence.

Read and concurred, with this Amendment, *viz.* Instead of *Wednesday* the 29th Instant, *Wednesday* the 6th of *October* next, if this Court be then sitting, if not, on the first *Wednesday* of the next sitting thereof.

Sent up for Concurrence.

Also, The Report of the Committee to whom the Complaint of some of the Inhabitants of the *Northerly* Precinct in *Scituate* was committed, pass'd on in Council, *viz.* In Council, *September 24. 1731. Ordered*, That the Persons above directed to attend this Court on the 27th of *August* last, do attend on *Wednesday* the 29th Instant, at Ten a Clock in the Forenoon.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Petition of *Thomas Cob* of *Barnstable*, praying for an Allowance for Service by him done for the Government, as an Express in the Year 1721.

Read.

Ordered, That Mr. *Cushing* go up with a Message to the Honourable Board, to enquire what they have done on the Vote of the House of the 22d Instant, for appointing a Committee to consider of the Controversy between this Government and that of *Rhode-Island*, respecting the Boundary Line: As also on the Vote of the 23d. for a Committee to prepare the Draught of a Letter to the Agent, in order to furnish him with proper Arguments to obviate any Misrepresentations that may be made against this Province, relating to its Trade. Who returned he had delivered the Message, and was informed by Mr. Secretary, that the Honourable Board had join'd a Committee for transacting the Affair respecting the Boundary Line, but the other Matter was yet unpassed on.

Then the House Adjourned till to Morrow Morning Nine o' Clock,

Sabbati Die 25. Septembris, A. D. 1731.

THE Petition of the Agents for the Town on *Plimpton*, praying as entred Yesterday, brought down this Morning from the Honourable Board, and by them passed on, *viz.* In Council, *September 24. 1731.* Read and concurred with the Amendment, *viz.* *Friday* the first, instead of *Wednesday* the sixth.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till *Tuesday* next, Four a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Martis Die 28. Septembris, A. D. 1731.

William Dudley Esq; brought down from the Honourable Board, a Letter from *Richard Waldron* Esq; Secretary of the Province of *New-Hampshire*, inclosing a Vote of the Assembly of that Province, referring to the Affair of the Line between that Province and this. Read, together with the Vote of this Assembly, pass'd the 28th of *July* last, respecting the said Affair, and

Voted, That Mr. *Thomas Cushing* Jun. be added to the Committee for meeting the Committee of *New-Hampshire*, to confer and agree upon the heads of a Bill for settling the Boundary Lines between the two Provinces.

Sent up for Concurrence.

Mr. Secretary brought down from the Honourable Board, a publick Letter from Mr. Agent *Wilkes*, dated *London*, 6th *August*, 1731. Read.

Daniel Oliver Esq; brought down the foregoing Vote, pass'd in Council, viz. In Council, *September 28. 1731.* Read and concurred, and *Voted*, That *Thomas Cushing* Esq; be added to the Committee on the Affair above.

Sent down for Concurrence.

Ordered, That the Sum of *Thirty Pounds* be advanced and paid to the Committee appointed to confer, &c. respecting a Bill for settling the Boundary Line between this Province and *New-Hampshire*, out of the Money in the Treasurer's Hands, for carrying on the Trade with the *Indians*, to defrey the Charge of the said Committee in transacting that Affair; the Committee to be accountable to this Court.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock. [150]

Mercurij Die 29. Septembris, A. D. 1731.

THE Petition of *Ebenezer Thornton*, entred the 20th of *August* and the 23d of *July* last, pass'd in Council, viz. In Council, *September 24. 1731.* Read again, together with the Answer of the Attorney of *John Seabury*, and the same being fully considered, *Ordered*, That the Prayer of this Petition be granted, any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence. Read and concurred with the Amendment, viz. *Provided the Petitioner bring forward his Action at the Inferiour Court of Common Pleas to be holden within the County of Suffolk, in January next.*

Sent up for Concurrence.

Mr. Agent *Wilkes's* Letter sent up to the Honourable Board by Mr. *Plaisted*.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Draught of a Letter to the Governour of the Colony of *Rhode-Island*, prepared by a Committee of both Houses, brought down from the Honourable Board this Morning, by *John Alford Esq*; pass'd in Council, *viz.* In Council, *September 29. 1731.* Read and accepted, with the Amendments. Sent down for Concurrence.

Read and concurred, with the further Amendments:
Sent up for Concurrence.

The Petition of *John Winter*, entred the 23d Instant, brought down yesterday from the Honourable Board, by *William Clark Esq*; pass'd in Council, *viz.* In Council, *September 28. 1731.* Read again, together with the Answer of *Richard Tucker*, and the same being fully considered,

Ordered, That the Prayer of this Petition be granted, any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and non-concurred.

A Petition of *Benjamin Hopkins* of *Harwich*, in the County of *Barnstable*, praying this Court to impower the Court of General Sessions of the Peace for the said County, to grant him a Licence to keep a publick House of Entertainment at his Dwelling-House in the Township aforesaid, for the Year currant, for Reasons mentioned.

Read, and *Ordered*, That His Majesty's Justices of the General Sessions of the Peace for the County of *Barnstable*, be and hereby are impowered (if they see Cause) at their next Session, to grant the Petitioner a Licence to keep a Tavern at the House he now lives in, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Petition of *Josiah Willard*, and *Edward Hartwell* of *Lunenburg*, on behalf of the Proprietors of the said Town, and of *Zachariah Fitch* of *Boston*, [151] in behalf of *James Kebbey* of *Reading*, a *Non compos* Person, to whom the said *Fitch* is Guardian, praying the Court to make such a Grant of Land to the said *Kebbey*, as they shall think fit, as an Equivalent for sundry ancient Grants of Land made to the said *Kebbey*, (which are found to be included and comprehended within the Bounds of the said Town of *Lunenburg*, and built on, and considerably improved by the Inhabitants thereof) on Condition that the said *Kebbey's* Guardian relinquishes said *Non compos's* Right to the ancient Grants before-mentioned. Read.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Jobis Die 30. Septembris, A. D. 1731.

O*rdere*d, That the Committee appointed the 22d Instant to consider of the Controversy between this Province and the Colony of *Rhode-Island*, as to the Boundary Line, be desired and directed to write to the Agent of this Province, respecting the said Controversy, and represent to him the true State of that Affair, and furnish him with proper Arguments to defend this Province against any Misrepresentations that may be made relating thereto, and transmit the same to the Agent by the first Opportunity; and that Mr. Speaker be added to the Committee.

Sent up for Concurrence

The Petition of *Josiah Willard* and others, praying as entred Yesterday, Read again, and a Debate had thereon.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Mr. Speaker communicated to the House a Letter of Excuse from *George Bunker Esq*; as also from *John Chandler Jun. Esqr.*

Ordered, That Major *Brattle* go up with a Message to the Honourable Board, to desire they would send down the Vote of *New-Hampshire* Assembly, referring to the Boundary Line between this Province and that: Who returned he had delivered the Message.

Joseph Wadsworth Esq; brought down from the Honourable Board, the Vote before mentioned, as also a Petition of Mrs. *Elizabeth Usher*, Widow, and Administratrix of *John Usher Esq*; deceased.

Ordered, That Major *Brattle*, Major *Epes*, Major *Bowles*, Mr. *Bourn* and Mr. *Little*, wait upon His Excellency the Governour with the following Message, viz.

In the House of Representatives, September 30. 1731.

INasmuch as it is an extream busy Season of the Year, and likely to be so for some Time, by Reason of the latter Harvest,

Voted, That it is the earnest desire of this House, that His Excellency the Governour would be pleased to give the Court a convenient Recess, if He shall think proper. [152]

Ordered, That the Committee appointed to meet a Committee of *New-Hampshire* at *Newbury*, be desired and directed, (if they shall not agree upon the Heads of a Bill for settling the Line between the two Provinces) to prepare a Representation of the State of that Affair, and transmit the same to the Agent of this Province, as soon as may be, if they think proper, with an

Account of the whole of the Proceedings of this Court, relating to that Affair, that so he may be enabled to make a proper Defence in behalf of this Province.

Sent up for Concurrence.

The Letter to the Governour of *Rhode-Island*, brought down this Morning by *Jonathan Dowse* Esq; pass'd in Council, *viz.* In Council, *September 30. 1731.* Read and concurred with the further Amendment at *K.*

Sent down for Concurrence. Read and Concurred.

The House entred upon the further Consideration of the Petition of *Josiah Willard* and others, and

Voted, That the same be committed to the Committee for Petitions.

A Petition of *Benjamin Peirce* of *Woburn*, praying this Court to inable the Court of General Sessions of the Peace for *Middlesex*, to give him Liberty to be an Innholder in the said Town, for Reasons mentioned.

Read, and in Answer thereto *Ordered*, That His Majesty's Justices of the General Sessions of the Peace for the County of *Middlesex*, be and hereby are impowered (if they see Cause) at their next Session for the said County, to Licence the Petitioner to be an Innholder in the House he now lives in; any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Mr. Secretary brought down from His Excellency the following Message, *viz.*

Gentlemen of the House of Representatives,

I *Am sensible it is a busy Season, and will be more so in a little Time; and I shall therefore be willing to gratify you in a Recess (till the latter Harvest may be over) so soon as there is a Return from the Committee gone from this Court, to meet the Committee from the Assembly of the Province of New-Hampshire: And if there be any thing necessary in the mean Time for the publick Service, I hope we shall all chearfully attend it.*

September 30. 1731.

J. BELCHER.

As also a Message from the Honourable Board, to acquaint the House, that *Scituate* People, who were ordered to attend this Court, were waiting below, and that the Board think it adviseable, that the Hearing be had before the whole Court, which if the House were willing to, the Board desired to be informed of it.

Accordingly *Ordered*, That Major *Bratle* go up to the Honourable Board, to acquaint them, that the House are ready to attend that Affair.

Then Mr. Secretary came down with a Message from His Excellency, directing the House to attend on the Affair aforesaid, in the Council-Chamber. [153]

Mr. Speaker and the House went up accordingly, and the Hearing being over, He with the House returned to their own Chamber.

An Indent of sundry Stores and other Necessaries wanting at His Majesty's Castle *William*, signed *John Larrabee*, also of Gunners Stores wanting, sign'd *William Barnsdale*, Gunner.

Read, and *Ordered*, That the Treasurer be and hereby is directed to supply the said *John Larrabee* and *William Barnsdale* with the Articles enumerated in their several Indents, they to be accountable to this Court.

Sent up for Concurrence.

Voted, That Capt. *Goddard*, Mr. *Chaot* and Major *Gerrish*, be added to the Committee for Petitions.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Veneris Die I. Octobris, A. D. 1731.

THE Report of a Committee of this Court, appointed the 28th of *May* last, upon the Petition of *Samuel Hazen* and others, entred the 9th of *April* foregoing, to view and consider as well the Situation and Circumstances of the Petitioners, as of the old Parish in *Rowley*, and the Parish of *Byfield*, brought down Yesterday from the Honourable Board by *Jonathan Dowse* Esq; pass'd in Council, viz. In Council, *September 30. 1731*. Read, and *Ordered*, That this Report be accepted, and that the Lands above described and bounded, be and hereby are set off and constituted a separate and distinct Precinct; and that the Inhabitants thereof have and enjoy all the Powers and Privileges that the Inhabitants of other Precincts within this Province, do, or by Law ought to enjoy.

Sent down for Concurrence.

Read and concurred, and thereupon

Ordered, That Mr. *Benjamin Plummer*, a principal Inhabitant of the Precinct before mentioned, be and hereby is fully authorized and impowered, to notify and warn the Inhabitants there, duly qualified to Vote, to convene as soon as may be, in some publick Place in the said Precinct, to chuse Precinct Officers, to stand until the Anniversary Meeting in *March* next. Sent up for Concurrence.

A Petition of *Elizabeth Usher*, Widow, and Administratrix of the Estate of the honourable *John Usher* Esq; late of *Chorlestown*, deceased, praying, That a Copy of an Execution of a Judgment against one *Charles Lidget*, at a Superiour Court of Judicature held at *Boston*, on the last *Tuesday* of *April* 1693. and the Return thereon, together with the Proof thereto annexed, may be Recorded in the Books of the Records of the said Court, whence the said Execution issued, as the Usage is at this Day; and that the same may be as

effectual in the Law, as if the Original had been there Recorded; in order to establish the Title of the said *John Usher* and his Heirs to the Estate thereby taken, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *September* 30. 1731. Read, and *Ordered*, That the Prayer of the Petition be granted, and that the Copy of the Execution and Return above referred to, (sign'd and sworn unto by *Addington Davenport* Esq; [154] Clerk of His Majesty's Superiour Court of Judicature, at the Time when the said Copy was given out) be and hereby is Declared and Ordered to be as valid and effectual to all Intents and Purposes in the Law, as the Original Execution and Return would be, in case they could be produced. And it is further Ordered, That the said Copy, together with the Testimony of the said *Addington Davenport*, be entred in the Records of the Superiour Court, any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and Concurred.

A Petition of *Stephen Richardson* of *Woburn*, praying an Allowance for his Services of the Province formerly, and his Sufferings on that Account, therein mentioned, for Reasons therein expressed. Read, and the Question put, *Whether any Allowance should be made the Petitioner on that Account?* and it passed in the Negative.

William Brattle Esq; from the Committee for Petitions, Reported on the Petition of *Josiah Willard* and others, entred yesterday, Read, accepted, and

Ordered, That there be allowed and granted to the Proprietors of the Town of *Lunenburg*, Four Hundred Acres of Land, to be laid out in two Places, in any of the unappropriated Lands within this Province, (excepting the Land lying on *Merrimack* River) as an Equivalent for the Two Grants of Land within mentioned, and to enable the said Proprietors to perfect an Agreement with the Heirs or legal Representatives of the within mentioned *James Kebbey*, respecting his Claims to the said two Grants; and that Plans of the said Four Hundred Acres, be taken by a Surveyer and Chain-Men upon Oath, and returned to this Court within Twelve Months for Confirmation. Sent up for Concurrence.

Samuel Thaxter and *Spencer Phips* Esqrs. brought down from the Honourable Board, the Vote of the 30th of *July* last, on the Indent of Capt. *Thomas Smith*, Truck-Master for the Truck House on *Saco* River, entred the 27th of the same Month, pass'd in Council, *viz.* In Council, *October* 1. 1731. Read and concurred, with the Amendment, *viz.* Dele A, *viz.* from the Words, *And that Mr. Treasurer provide, &c.* to sent up, &c.

Sent down for Concurrence. Read and Concurred.

A Petition of *Thomas Pegan*, Jun. of *Natick*, Indian, Planter, and *Patience* his Wife, praying, That they may have Liberty to sell so much of their Right in the Commons in said *Natick*, as shall be sufficient to defrey the Cost and

Charge of building and finishing a comfortable Dwelling-House, on their Land in *Natick*, of about sixteen or seventeen Feet square, besides the Room for the Chimneys, and about seven Feet high between Joints, besides the Roof, for Reasons mentioned. Read, and in Answer thereto,

Ordered, That the Petitioners (upon publick Notice thereof being given Twenty Days beforehand) be and hereby are impowered to sell to the highest Bidder, so much of their Right in the common and undivided Land in *Natick*, as shall be sufficient for the building an House of the before-mentioned Dimensions: And that *Francis Fullam* Esq; and Capt. *Edward Goddard*, be desired and impowered to assist the Petitioners, and see Justice done them; and in case any Surplusage should remain, dispose thereof so as may be for the Comfort of the Petitioners.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon. [155]

Post Meridiem.

Joseph Wadsworth Esq; brought down from the Honourable Board, the following Order of Council, *viz.*

In Council, *October 1. 1731.*

A Hearing having been had Yesterday before the whole Court, on the Affair of the Meeting-House in the *North* Precinct in *Scituate*, agreeable to the Votes of the Court of the 25th of *August* and 24th of *September* last, and it appearing, that the Committee appointed by the said Precinct to remove their Meeting-House, encouraged the pulling it down, in contempt of the Order of this Court, of the 17th of *June* last, forbidding the same.

Ordered, That the said Committee do forthwith at their own Charge, take effectual Care, that the said Meeting-House be put into as good Repair, as it was before the Order of the Court of the 17th of *June* aforesaid, and so as shall be to the Satisfaction of this Court.

Sent down for Concurrence. Read and non-concurred.

Mr. Secretary came down from His Excellency with the following Message, *viz.*

Mr. Speaker,

HIS Excellency the Governour Orders, That this Great and General Court or Assembly be Adjourned till Tuesday next, at Ten a Clock in the Forenoon, and the said Court is accordingly Adjourned.

VOTES

Of the House of Representatives.

Martis Die 5. Octobris, A. D. 1731.

A Petition of *Joseph Ephraim* of *Natick*, in the County of *Middlesex*, Indian, Proprietor, Praying the Court to empower him to sell Six Acres of Meadow, lying at some Miles distance from him, as also Twenty Acres of Up-Land and Swampy Land (or his Common Lands to be laid out) as shall be found most convenient, to some Person or Persons that shall appear to Purchase the same, for the worth of it, to enable him to build an House for one of his Sons, and to purchase a Cart and Conveniencies for himself and Sons, and other necessary Things, for Reasons mentioned.

Read, and in Answer thereto,

Ordered, That the Petitioner (upon publick Notice thereof being given Twenty Days beforehand) be and hereby is empowered to sell to the highest Bidder, the Six Acres of Meadow, and the Twenty Acres of Up-Land and Swampy Land within mentioned, the Proceeds thereof to be disposed of for the Purposes within mentioned: And that *Francis Fullam* Esq; and Capt. *Edward Goddard*, be desired and empowered to assist the Petitioner, and see Justice done him; and in case any Overplus remains, to dispose thereof for the Comfort of the Petitioner and his Family.

Sent up for Concurrence.

A Petition of *James Coochuck* of *Natick*, Indian, Planter, praying, That he may be empowered to sell Five Acres of Land in *Natick*, late the Estate of his Sister *Hannah Ephraim*, late of the same place, Widow, deceased, for the payment of her just Debts; as also Five or Six Acres of his own Land, for defreying his own proper Debts, for Reasons mentioned.

Read, and in Answer thereto,

Ordered, That the Petitioner (upon publick Notice thereof being given Twenty Days beforehand) be and hereby is empowered to sell the Land therein mentioned, the Proceeds thereof to be applied to and for the Uses before mentioned: And that *Francis Fullam* Esq; and Capt. *Edward Goddard* [158] be desired and empowered to assist the Petitioner, and see Justice done him in the Sale of the Premises, and any Surplusage that may remain, to be disposed of for the Comfort of the Petitioner, and the Relations of the said deceased.

Sent up for Concurrence.

A Petition of the Select-Men of the Town of *York*, who are also Overseers of the Poor of the said Town, praying, That, for the Support of one *Peter Hinkson* of that place, an impotent crazy Person, they may be empowered to sell certain

Parcels of Land and Marsh of his, wherein he has only an Estate for Life, and the Income thereof no ways sufficient for his subsistence, or that the same may be ordered to some of his Relations, on Condition that they provide for him during Life, or that some way or other, as the Court shall judge best, the said Town may be eased of the growing and unreasonable Charge occasioned by the said *Peter Hinkson*.

Read, and the Question being put, *Whether the Prayer of the Petition should be granted?* it pass'd in the Negative.

A Petition of *Samuel Lord*, an Inhabitant of the Town of *Berwick*, praying, That the Court would order, that he may have a Licence granted him by the Court of General Sessions of the Peace for the County of *York*, for keeping a Tavern in the said Town, for Reasons mentioned.

Read, and in Answer thereunto *Ordered*, That His Majesty's Justices of the General Sessions of the Peace for the County of *York*, (upon the Petitioner's producing a Certificate from under the Hands of the Select-Men of the said Town, of his being approbated by them) be and hereby are impowered, at their present or their next Session for the said County, (if they see Cause) to grant to the Petitioner a Licence to keep a Tavern at the House he now dwells in, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Petition of *Richard Avery* of *Roxbury*, setting forth, That he stands approbated by the Select-Men of the said Town, and by the Court of Sessions for *Suffolk*, for to be an Innholder, but by Reason of Sickness, was prevented Recognizing in the Season of it, as the Law requires, by which means he failed of his Licence; praying therefore Liberty to Recognize, his said failure notwithstanding. Brought down this Morning from the Honourable Board by *Ezekiel Lewis* Esq; pass'd in Council, viz. In Council, *October 5. 1731*. Read, and *Ordered*, That the Prayer of this Petition be granted.

Sent down for Concurrence.

Read and Concurred.

Ordered, That Major *Brattle* go up with a Message to the Honourable Board, to enquire whether they have passed on the Vote of the 22d of *September* last, referring to a Committee's preparing the Draught of a Letter to the Agent of this Province, in order to furnish him with proper Arguments to defend the same, against any Misrepresentations that may be made relating to the Trade thereof, &c. Who returned he had delivered the Message, and was informed they had concurred the same.

The Petition of *John* and *Philip King*, entred the 21st of *August* last, pass'd in Council, viz. In Council, *September 24. 1731*. Read again together [159] with the Answer of the Town of *Raynham*, and the same being fully considered,

Ordered, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Concurred.

Spencer Phips Esq; brought down from the Honourable Board, the Petition of sundry of the Inhabitants of the *Southerly* part of the Town of *Plimpton*;

As also, the Report of the Committee of this Court, appointed to meet a Committee of the Government of *New-Hampshire*, pass'd in Council, *viz.* In Council, *October 5. 1731.* Read and sent down. Read, and *Ordered*, That Mr. Speaker, Mr. *Cooke*, Mr. *Welles*, Mr. *Lynde*, Mr. *Shove*, Capt. *Foster* and Mr. *Bisby*, with such as shall be joined by the Honourable Board, be a Committee to prepare the Draught of a Letter and Instructions to the Agent of this Province, respecting the Boundary Line between this Province and the Province of *New-Hampshire*: Also to consider what may be proper to be done with respect to the Inhabitants that Border on the said Line. As also, to prepare the Draught of Instructions to Mr. Agent, with respect to the Boundary Line between this Province and the Colony of *Rhode-Island*, and Report as soon as may be.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Petition of *William Winter* of *Boston*, Mariner, praying, That he may be admitted into the House, and heard upon his Petition, exhibited to this Court the 23d of *September* last, in order to obtain a Reconsideration of their Vote thereon of the 29th of the same Month, for Reasons mentioned.

Read, and (the House having previously re-considered their said Vote) *Ordered*, That the Prayer of the Petition be granted, and to Morrow in the Forenoon appointed for a Hearing, and that the Petitioner seasonably Notify the Adverse Party of this Order, that so he may be present.

A Message to the Honourable Board by Mr. *Lynde*, to enquire whether they have passed on the Vote of the Forenoon, for appointing a Committee to prepare the Draught of a Letter and Instructions to the Agent of this Province: Who returned he had delivered the Message, and was informed, that they had concurred the same.

The Petition of sundry of the Freeholders and Inhabitants of the *Southerly* part of the Town of *Plimpton*, entred the 2d of *June* last, pass'd in Council, *viz.* In Council, *October 5. 1731.* Read again, together with the Answer of the Town of *Plimpton*, and the same being fully considered, *Ordered*, That this Petition be dismissed.

Sent down for Concurrence.

Read and concurred.

Then the House Adjourned till to Morrow Morning Ten a Clock. [160]

Mercurij Die 6. Octobris, A. D. 1731.

A Petition of *Benjamin Eaton* of *Kingston*, in the County of *Plimouth*, Administrator of the Estate of *Benjamin Briant*, late of *Plimpton*, in the said County, deceased, praying the Court to empower him to sell the whole of the said deceased's Real Estate, for the payment of his Debts, and bringing up his youngest Child.

Read, and referred to the next meeting of this Court.

Sent down for Concurrence.

Ordered, That Major *Chandler* go up with a Message to the Honourable Board, to desire that the Petition of *Joseph Putney* and others, entred the 28th of *May* last, might be sent down: Who accordingly went up, and brought down the said Petition. Read, and

Ordered, That the Petitioners serve the Town of *Oxford* with a Copy of the Petition, that so they may shew Cause (if any they have) on the first *Friday* of the next meeting of this Court, why the Prayer thereof may not be granted.

Sent up for Concurrence.

Agreeable to the Order of Yesterday, the House proceeded to the Consideration of the Petition of *William Winter*, the Parties were admitted into the House and fully heard, and the House voted a Concurrence with the Honourable Board, in their Vote of the 28th of *September* last, for granting the Prayer of the said Petition.

Ordered, That the Committee appointed the 23d of *September* last, to prepare the Draught of a Letter to the Agent of this Province, for furnishing him with proper Arguments to defend the same, against any Misrepresentations that may be made referring to the Trade thereof, be directed and empowered to prepare the Draught of Instructions on that Head, and lay the same before this Court at their next meeting.

Sent up for Concurrence.

Voted, That Major *Brattle* wait upon His Excellency with a Message, to desire that He would give the Court a Recess, for such Time as His Excellency shall think proper.

Voted, That Capt. *Alden* be added to the Committee appointed Yesterday, to prepare the Draught of Instructions, &c. to Mr. Agent, referring to the Boundary Line between the Provinces.

Thomas Hutchinson Esq; brought down from the Honourable Board, Castle *William* Indent, pass'd in Council, viz. In Council, *October 6. 1731.* Read and concurred, with the Amendment at *A. viz.* Dele the Words *To this Court*, and add the Word *thereof*.

Sent down for Concurrence.

Read and non-concurred, and the House insist on their own Vote.

Sent up by Major *Brattle*, with a Message to the Honourable Board, that the Indent of Capt. *Smith* might be sent down: Who return'd he had delivered the Message. [161]

The said Indent was accordingly brought down by *Spencer Phips* Esq; And *Ordered*, That Major *Brattle* go up with a Message to the Honourable Board, to acquaint them, That upon Reading the Vote of the 30th of *July* last, on the said Indent, and the Amendment of the Honourable Board thereon, the first Instant, the House observe, that the Lines drawn for the said Amendment, include the Words, *to be accountable to this Court*, notwithstanding the Gentlemen who brought down the said Indent declared to the House, that the Honourable Board had concurred the said Vote, except the Matter of building the Shed only.

Mr. *Bisby* from the Committee appointed the 5th of *August* last, to consider of the Accompt of the Treasurer for the County of *Plimouth*, Reported, Read, Accepted, and

Ordered, That the said Accompt be allowed, except the Article of *Twelve Shillings* paid Clerk *Winslow*, for Warrants for a County Tax.

Sent up for Concurrence.

Mr. *Lynde* from the Committee appointed the 22d of *September* last, to consider of the Accompt of the Treasurer of the County of *Essex*, Reported, Read and not accepted.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Mr. *Chandler* from the Committee appointed the 13th of *August* last, to consider of the Petition of *Jonas Clark* and others, Reported, Read.

A Memorial of *Daniel Russel* Esq; Commissioner of Impost, setting forth, That Mr. *Hayes*, the Keeper of the Light-House, wants a Road for the Boat, also a new Cable to Moor the same off with.

Read, and *Ordered*, That the Memorialist be and hereby is directed to supply the within named *Hayes* with the Articles within mentioned, and charge the same in his next Accompt.

Sent up for Concurrence.

Mr. Secretary came down from His Excellency with the following Message, viz.

Mr. Speaker,

HIS Excellency the Governour Orders, That this Great and General Court or Assembly be Adjourned till Wednesday the Third Day of November next, at Ten a Clock in the Forenoon, and the same is accordingly Adjourned.

VOTES

Of the House of Representatives.

Mercurij Die 3. Nobembris, A. D. 1731.

A Petition of *John Beighton* and *Smith Woodward*, of *Dorchester*, in the County of *Suffolk*, Innholders, praying, That (inasmuch as each of them in *July* last past, obtain'd the Approbation of the Select-Men of the said Town, as also the Allowance of His Majesty's Justices of the General Sessions of the Peace for the said County, for to be Innholders in the said Town, but for Reasons mentioned in the Petition, lost an Opportunity of Recognizing as the Law directs) the Court would empower the Clerk of the said Sessions, or one or more of the said Justices to take their respective Recognizances, in order to their having the Benefit of their Licences.

Read, and

Ordered, That the Prayer of the Petition be so far granted, as that the Petitioners have leave for the Purposes before-mentioned, to enter into Recognizance before one or more of the said Justices; and the said Justices are hereby directed and empowered to take their Recognizances, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Petition of *Peter Allen* of *Dartmouth*, setting forth, That one *Oliver Allen* brought his Action against him, at an Inferiour Court of Common Pleas held at *Bristol* for the County of *Bristol*, on the second *Tuesday* of *July* last, when he obtained a Judgment against the Petitioner for *Fifty Pounds* Debt and Costs, from whom the Petitioner appealed to the Superiour Court of Judicature held at the Place aforesaid in *September* last, and Recognized according to Law, to prosecute his said Appeal, but through the Neglect of his Attorney, Reasons were not filed, and the former Judgment was affirmed by the said Superiour Court, with additional Cost; praying, that he may have the benefit of a Trial of the said Action at the next Superiour Court to be holden at *Bristol* aforesaid, upon his giving in his Reasons of Appeal fourteen Days before the sitting of the said Court, and that Execution may be suspended in the mean Time. Read and [164]

Ordered, That the Petitioner serve the adverse Party with a Copy of the Petition, that so he may shew Cause, if any he have, on the first *Thursday* of the next *May* Session, why the Prayer thereof may not be granted, and that Execution of the Judgment within-mentioned, be stayed in the mean Time. Sent up for Concurrence.

Mr. Secretary brought down from the Honourable Board, a Letter from

the Governour of the Colony of *Rhode-Island*, in Answer to a late Letter to his Honour from this Government, pass'd on in Council, *viz.* In Council, *November 3. 1731.* Read and sent down.

Read.

A Petition of *Benjamin Eaton*, Administrator of the Estate of *Benjamin Eaton*, praying as entred the 6th of *October* last, Read again, and the Question put, *Whether the Prayer of the Petition should be granted?* and it passed in the Negative.

A Memorial and Petition of the Select-Men of the Town of *Taunton*, setting forth, That in the Act passed by this Court in their present Session, for apportioning and assessing the Province Tax, the Town of *Taunton*, including *Raynham*, was to pay *One Hundred and Forty Seven Pounds Ten Shillings and eight pence*, the whole of which Sum the Province Treasurer (by his Warrant to them given) has directed the Assessors of the Town of *Taunton* to Assess on their Town; praying (for Reasons mentioned) that the Court would order and direct the said Treasurer, to grant a Warrant to the Assessors of each of the said Towns, in order to their paying their proportionable Parts of the said Sum.

Read, and in Answer thereto,

Ordered, That the Treasurer of the Province be and hereby is directed to make out and send his Warrant to the Assessors of the Town of *Raynham*, to Assess the Inhabitants thereof the Sum of *Twenty eight Pounds Fourteen Shillings and eight pence*, according to the Rules prescribed in the said Act: As also one other Warrant to the Assessors of the Town of *Taunton*, for assessing the Inhabitants of their Town with the remainder of the said Sum of *One hundred and forty seven Pounds Ten Shillings and eight pence*, being *One hundred and eighteen Pounds sixteen Shillings*, the said Act, or any other Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Jobis Die 4. Novembris, A. D. 1731.

A Petition of *John Ellingwood*, *George Perkins* and others, Inhabitants of *Hog-Island* and *Smutty Nose*, at the *Isle of Shoals*, in the Province of *Main*, praying that they may be freed and dismissed from paying any Rates or Taxes to the Province of *Main*, and the Town of *Kittery* (excepting the Province Rates only) and that they may be added to *Starr-Island*, to inable them the better to Support a Minister, and that they may enjoy the like Privileges with them. Read. [165]

A Petition of *Cornelius Thompson* and others, Prisoners for Debt in His Majesty's Goal in *Boston*, praying for Relief, for Reasons mentioned.

Read.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Petition of *John Ellingwood* and others, entred in the Morning, Read again, and the Question put, *Whether the Petitioners should serve the Town of Kittery with a Copy of the Petition, that so they might shew Cause (if any they had) on the first Tuesday of the next Session, why the Prayer thereof should not be granted?* and it passed in the Negative.

Symonds Epes Esq; brought down from the Honourable Board, the Petition of *Peter Allen*, entred Yesterday, pass'd in Council, viz. In Council, *November 4. 1731*. Read and concurred with an Amendment, viz. Dele *A*, that is, the Words, "And that Execution of the Judgment within-mentioned, be "stayed in the mean Time".

Sent down for Concurrence.

Read and Concurred.

A Petition of *Joseph Bean*, late of *Boston*, now Resident at *Cambridge* in the County of *Middlesex*, praying, (for Reasons mentioned) that the Court of General Sessions of the Peace for the said County, may be impowered to grant him a Licence to keep a Tavern in *Cambridge* aforesaid, in the House of Mr. *John Hovey*, which he has lately hired, and has for many Years past been used as an House for publick Entertainment; and that he be allowed to keep a publick House there in the mean Time, *provided* he give Bond according to Law, to one or more of His Majesty's Justices of the Peace for the said County.

Read, and in Answer thereto, *Ordered*, That (upon the Petitioner's producing a Certificate of his being approved thereof by the Select-Men of the Town of *Cambridge*) His Majesty's Justices of the General Sessions of the Peace for the County aforesaid, be and hereby are impowered at their next Session, if they see Cause, to grant the Petitioner a Licence to keep a Tavern at the House within-mentioned, and that he be allowed so to do in the mean Time, *provided* he Recognize according to Law, before one or more of the said Justices. Any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence.

The Petition of *Stephen* and *Jemima David*, Indians, praying as entred the 30th of *July* last, together with a Report of the Committee then appointed; Read, and *Ordered*, That the Petitioners (upon publick Notice thereof being given Ten Days beforehand) be and hereby are impowered to sell to the

highest Bidder, the pieces of Land within-mentioned, the Produce thereof to be applied and disposed of for the Ends and Purposes within mentioned; and that Mr. *Shove* and Mr. *Barrow* be desired and impowered to assist the Petitioners and see Justice done them; and in case any Overplus should remain, to dispose thereof for the Comfort of the Petitioners. Sent up for Concurrence.

A Petition of *Lot Strange* of *Freetown*, in the County of *Bristol*, praying this Court to inable the next Court of General Sessions of the Peace to be [166] holden at *Bristol* in the said County, to grant him a Licence to sell Strong Drink by Retail (if they see cause) and that in the mean Time he may be inabled so to do, for Reasons mentioned.

Read, and in Answer thereto, *Ordered*, That (upon the Petitioner's producing a Certificate from the Select-Men of the Town of *Freetown*, of his being by them approved for the Purpose before-mentioned) His Majesty's Justices of the General Sessions of the Peace for the County aforesaid, be and hereby are impowered (if they see cause) at their next Session, to Licence the Petitioner to sell Strong Drink by Retail, in the House he now lives in, and that he be allowed so to do in the mean Time, *provided* he Recognize according to Law, before one or more of the said Justices. Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Veneris Die 5. Novembris, A. D. 1731.

MR. Speaker communicated a Letter from Mr. Agent *Wilkes*, Dated *August 12. 1731.* respecting the Situation of the Affairs of this Province, at the Court of *Great Britain*; which being Read, was sent up by Major *Brattle*, with a Message to the Honourable Board, to desire that they would send down a publick Letter from Mr. Agent therein referred to. Who returned he had delivered the Message. And

Mr. Secretary accordingly brought down the said Letter, together with sundry Accompts of Expenses Mr. Agent has been at in transacting the publick Affairs, which were all Read in the House.

The Petition of *John Ellinwood*, *Jeffrey Currier* and others, Inhabitants of *Hog-Island* and *Smitty Nose*, in the Province of *Main*, praying the Court's Consideration of their Circumstances, and to afford them such Help and Relief for the Support of the Gospel among them, as they shall think proper. Read.

The Petition of *Stephen* and *Jemima David*, entred Yesterday, brought down from the Honourable Board by Mr. Secretary, pass'd in Council, *viz.* In Council,

November 5. 1731. Read concurred, and that *Josiah Cotton Esq;* be added in the Affair.

Sent down for Concurrence.

Read and non-concurred, and the House

adhere to their own Vote.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon. [167]

Post Meridiem.

A Petition of *John Bartlet, Thomas Bartlet, John Ordway and Joseph Moulton*, Inhabitants of *Newbury* second or middle Parish, praying, That half of their Rates to the Reverend Mr. *Tufts*, and succeeding Ministers there, may be abated them yearly, or that they may be joined to the first Parish in *Newbury*, or that their Meeting-House may be brought nearer to them, or that some other way may be found more convenient for them, for Reasons mentioned.

Read, and Ordered, That the Petitioners serve the second or middle Parish in *Newbury* with a Copy of the Petition, that so they may shew Cause (if any they have) on the second *Tuesday* of the next Session, why the Prayer thereof may not be granted.

Sent up for Concurrence.

A Petition of *Isaac Learned*, in behalf of himself and the other Inhabitants of the Town of *Oxford*, praying, That a certain parcel of Farm Land of his, and of *Josiah and Theodore Kingsbury*, adjacent to *Oxford*, lying between the South end of *Oxford* Village and *Chaubunnagunkamog* Pond (agreeable to the Bounds mentioned in the Petition) may be annexed to the said Town of *Oxford*, for Reasons mentioned, which the said *Kingsbury's* signify under their Hands that they are also desirous of.

Read.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Sabbati Die 6. Nobembris, A. D. 1731.

Ordered, That Mr. *Welles*, Major *Gerrish* and Mr. *Choat*, wait upon His Excellency with the following Message, viz.

Whereas the Small Pox is in the Town of Boston, where the General Court is now sitting, by Reason whereof many of the Members do not attend their Duty in Court, and it being probable that the Town will in a short Time be freed from that Distemper;

Voted, That His Excellency the Governour be desired to give the Court such a Recess as He shall think proper.

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Mr. Secretary brought down from the Honourable Board, a Letter to Mr. Agent *Wilkes*, respecting the Trade of this Province, prepared by a Committee of both Houses, pass'd in Council, *viz.* In Council, *November 6. 1731.* Read and accepted, with the Amendments.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till *Tuesday* next, Ten a Clock in the Forenoon.

BOSTON: Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1731. [169]

VOTES

Of the House of Representatives.

Martis Die 9. Nobembris, A. D. 1731.

THE Petition of *Cornelius Thompson* and others, Prisoners for Debt, praying as entred the 4th Instant, Read again, and *Ordered*, That the same be committed to the Committee for Laws, to consider thereof, and Report what may be proper for this Court to do thereon.

Paul Dudley Esq; brought down from the Honourable Board, a Letter from Mr. Agent *Wilkes*, Dated *London*, 14th *September* 1731. inclosing a Copy of Mr. Attorney General's Opinion on a Case depending between Mr. *Bowdoin* and Mr. *Winthrop*, which, if proceeded in, may affect the Act pass'd by this Court, for the Settlement and Distribution of the Estates of Intestates.

Also the Petition of *Joseph Putney* and others, a Petition of *Joseph Newell*, and a Memorial of *Peirson* and *Jacob Richardson*.

The said Letter was Read in the House, and *Ordered*, That Mr. Speaker, Mr. *Cooke* and Mr. *Shove*, with such as shall be join'd by the Honourable Board, be a Committee to take under Consideration the Subject Matter thereof, and Report what may be proper to be done thereon.

Ordered, That the following Message be sent up to His Excellency the Governour, viz.

This House being informed that the Government of *Canada* are building a Fort at a place near *Otter Creek*, which they apprehend may be of dangerous Consequence to the Inhabitants of this and the Neighbouring Provinces,

Voted, That a Message be sent to His Excellency the Governour, to desire that He would be pleased to acquaint the House, whether He has received any such Information. [170]

The Petition of *Joseph Putney* and others, entred the 6th of *October* last, together with the several Papers referring thereto. Read.

Mr. Secretary came down from His Excellency with the following Message, viz. That His Excellency had considered the Message of the House of *Saturday* last for a Recess, and communicated the same to the Board, and that He was willing to grant the Court a Recess, according to their Desire; but their Message referring to the Fort which the *French* were building near *Otter Creek*, appeared to His Excellency and the Board, as though they would now proceed upon Business; but if the House still desire a Recess, His Excellency is willing to grant it. And thereupon,

Ordered, That Mr. *Choat* Wait upon His Excellency with a Message to acquaint Him, that this House are still desirous of a Recess, if He will be pleased to grant it.

Mr. Secretary came down with a Message from His Excellency, directing the House to attend him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Excellency having given His Assent to sundry Acts, Mr. Secretary declared, That it was His Excellency's Order, that the Great and General Court should be Prorogued to *Wednesday* the First Day of *December* next, and that the same was Prorogued accordingly.

BOSTON : Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1731.

A
JOURNAL

Of the Honourable House of
Representatives.

At a Great and General Court or Assembly of His Majesty's Province of the *Massachusetts-Bay* in *New-England*, begun and held at *Boston* in the County of *Suffolk*, on *Wednesday* the Twenty Sixth Day of *May*, *Anno Domini*, 1731. and from thence continued by several Adjournments and Prorogation to *Wednesday* the First Day of *December* following, and then met; being the Second Session of the said Court.

A Quorum of the House being met, *Ordered*, That Mr. *Cooke*, Mr. *Welles* and Mr. *Lynde* wait upon His Excellency the Governour, to acquaint Him therewith, and that the House were ready to proceed to Business.

Who return'd, they had deliver'd the Message.
Then the House Adjourned till to Morrow Morning Ten o' Clock.

Jobis Die 2. Decembris, A. D. 1731.

MR. Speaker received a Packet containing sundry Books and Papers referring to the Bill lately depending in the Parliament of *Great Britain*, concerning the Sugar Islands and *Northern Colonies*, which he communicated to the House, and several of them were read.

Then the House Adjourned till Three a Clock Afternoon. [2]

Post Meridiem.

Mr. Speaker communicated to the House, a Letter from Capt. *Fayr. Hall*, Dated *London*, *July* the 1st. 1731. Mid. Temple, containing an Account of his Proceedings referring to the Bill mentioned in the Morning.

Read.

A Message from His Excellency by Mr. Secretary, directing the House to attend Him in the Council Chamber.

Mr. Speaker and the House went up accordingly, and His Excellency delivered a Speech to both Houses, whereof Mr. Speaker obtained a Copy, and then he with the House return'd to their own Chamber.

The said Speech was read in the House, and is as follows, *viz.*

Gentlemen of the Council, and House of Representatives,

THE several Adjournments I have made of this Court from its first sitting in *May* last, were absolutely necessary for His Majesty's Honour and Service: I should indeed have thought my self very happy, could I have persuaded you (for your own Ease) to have fallen in with the King's wise and just Sentiments; but when I found no likelihood of your doing any thing in the important Affair about which you sat so long, I at length made a Prorogation. This therefore becomes a new Session, and I hope you all come with the best Disposition of Duty to your King, and with a hearty Concern for the Welfare of your Country.

As I abhor every thing that carries the Face of blind Obedience, so I do the least appearance of want of Duty to a PRINCE, who upon the highest Reason may challenge to be stiled, THE FATHER OF HIS COUNTRY. Thus happy is the whole *English* World, IN HIS PRESENT MAJESTY: I therefore hope, we shall all endeavour to make this People happy under the present Reign and Establishment. And in order to it, the first thing I would recommend to your serious Consideration, is the Reformation of Manners, by making some other Laws, if it be thought necessary, for the better Suppressing of Prophaness and Immorality: And when we consider that our worthy Ancestors freely profest true Religion to be the principal End of their Settlement of this Plantation, I hope it will provoke in us a Spirit of Emulation, and make us endeavour to barr up the Flood-Gates of Vice and Wickedness.

On my first Arrival to the Government, I observed to the General Assembly, the great Favour this Province enjoys from the Crown, not only in their Civil, but also in their Religious Rights; and that as one great Errand of our Fathers hither was, to avoid all Impositions on their Consciences, so it would well become the Legislature here, to make good Protestants of all Denominations easy in their Way and Manner of worshipping God, and who we may have Reason to believe conscientiously differ from the established Churches of this Country. Of this Matter I am now obliged to remind you, from the repeated Applications made to me by the People among us called *Quakers*, who think themselves under great Hardships from some of the Laws of this Province. They are generally a Sett of vertuous inoffensive People, and good Members of the Common Wealth, [3] and their Friends in *England* are a great Body of Men, and esteem'd as well attach'd to His Majesty and his Royal House, as any the best of His Subjects; I should therefore upon all these Considerations, think it an Instance

of your Prudence and Wisdom, to pass some further Law for their Quiet and Ease.

In the next Place I would observe to you, That it will well become a Country so increased in Trade as *New-England* is at this Day, to maintain the Honour of their Manufactures, and not to suffer any just Reproach with respect to their Traffick and Dealing, and to make effectual Laws for remedying the Want of Weight and Measure, and for preventing other Frauds. And before I go off from the Article of Trade, on which the value of the Land Estate (as well as the Prosperity of the Province in general) greatly depends, I must desire you to employ part of this Session, in finding out Ways and Means to supply Silver and Gold, (or something Substantial in lieu thereof) for the facilitating of Trade and Commerce. This would be a just Compassion to the People in general, and prevent innumerable Hardships and Oppressions.

You are sensible, *Gentlemen*, that I gave my Assent the last Session, to an Act passed by you in *June* last, for the Support of his Majesty's Governour; and this I did in Consequence of the King's Royal Grace and Favour, in condescending to the Request made to Him on my Behalf. But that you may have no misconceptions of this Matter, I have ordered the Secretary to deliver you the King's Royal Instruction to me on this Head, by which you will see His Majesty's Instruction formerly communicated to you for settling a Salary of *One Thousand Pounds Sterling per Annum* on His Governour for the Time being, is not in any wise invrated or invalidated; I therefore think you would consult your own Ease and Interest, to act in this Affair in such a Manner, as may be most acceptable to His Majesty.

I am sorry to say, that all Endeavours with this as well as former Assemblies for adjusting the Boundaries betwixt this Province and that of *New-Hampshire* have found no Success; and as the Province of *New-Hampshire* seems now resolved to make their immediate Application to His Majesty (as the last Resort) for bringing this unhappy Controversy to an Issue, you will do well to consider how far the Difficulties and Remoras arisen, may be said to lie at your Door.

I have lately received a Letter (with other Papers) from the Honourable Mr. *Van Dam*, President of His Majestys Council at *New-York*, informing me of several Incroachments making by the *French* on the *English* Frontiers: This Matter shall be laid before you, and I believe you will think it of such Importance, as to require your Attention, and to make a Representation thereof to His Majesty, for preventing their Proceedings, and the dangerous Consequences thereof.

As the Militia is (under God) our greatest Dependence in case of a War, I must recommend to you the making an effectual Law for preventing Delinquencies on Days of Muster, otherwise there will in a little Time be a total neglect of Appearance, and a perfect Ignorance of Arms. [4]

Gentlemen of the House of Representatives,

You well know there has been no Money in the Treasury for more than Six Months past, and your hitherto refusing to make a Supply, is a manifest Injustice to great Numbers of private Persons, and more especially to the Officers and Soldiers of His Majesty's Forts and Garrisons; and this is an Affair not to be trifled with, but as you your selves have heretofore said, (under the present Circumstance) the Garrisons will be left naked and Defenceless, and an end put to all Safety. And since you have no Answer to the several Addresses sent home on this Head, more than that your Agent honestly tells you, he has no Encouragement of obtaining any thing in your Favour, but that those that are to be Judges are strongly against you; I hope you will now make the necessary Supply of Money to the Treasury, without any more Delay.

Gentlemen of the Council and House of Representatives,

I heartily wish you may be the happy Instruments of much Peace and Prosperity to *New-England*, and that you would give me the Opportunity in this Session, of doing every thing for this Country, that may be reasonably expected from me.

J. BELCHER.

December 2d. 1731.

Mr. Secretary brought down His Majesty's Additional Instruction to His Excellency, also the Letter (and other Papers) from his Honour the President of His Majesty's Council at *New-York*, (referred to in His Excellency's Speech. Also a publick Letter from Mr. Agent *Wilkes*, of the 9th of *October* last, which were severally Read.

His Majesty's said Instruction is as follows, *viz.*

GEORGE, R.

ADDITIONAL INSTRUCTION to Our Trusty and well Beloved *JONATHAN BELCHER* Esq; Our Captain-General and Governour in Chief, in and over Our Province of the *Massachusetts-Bay*, in *New-England*, in *America*. Given at Our Court at *Hampton-Court*, the 13th Day of *August*, 1731. in the Fifth Year of Our Reign.

WHereas by the 27th Article of Our Royal Instruction to you as Governour of Our said Province of the *Massachusetts-Bay*, you have been Ordered and Directed, to recommend to the Assembly of that Our Province, that they should forthwith pass a Law whereby it should be declared, That the Salary of

their Governour for the Time being, should be One Thousand Pounds per Annum Sterling, clear of all Deductions, and that the said Salary should be constantly paid out of such Money as should from Time to Time be raised for the Support of the Government, and Defence of the Inhabitants of the said Province: And whereas upon your laying before the Council and Assembly of the said Province, Our said Instructions in this Respect, they have only passed Two Bills, whereto you have hitherto refused your Assent, the one in October 1730. Entitled, An Act providing for the more sure Support of His Majesty's Governour; the other in June last, Entitled, An Act for granting the Sum of Five Thousand Four [5] Hundred Pounds, for and towards the Support of His Majesty's Governour: Which Bills do by no means come up to the Intent and meaning of Our said Instructions: And whereas Application hath been humbly made to us in your Behalf, That forasmuch as you have not yet received any Sum of Money from the said Province since your Arrival there, for your Support, but have been at considerable Expence to maintain the Honour and Dignity of Our Government, out of your private Fortune, That We would graciously permit you to give your Assent to the last mentioned Bill, passed the eighth of June last, and to receive your Support for the present in the Manner thereby prescribed, or in such other best way as you could bring the said Assembly to give the same. Now having taken the Premises into Our Royal Consideration, and more particularly, that you have hitherto strictly adhered to the Tenour of Our Instructions, in refusing to accept of any Sum of Money whatsoever from the said Assembly, upon Terms contrary thereto; Out of Our special Grace and Favour to you, We do condescend to the Request made in your Behalf, and you are hereby impowered to give your Assent to the last mentioned Bill, passed the eighth Day of June last, Entitled, An Act for granting the Sum of Five Thousand Four Hundred Pounds, for and towards the Support of His Majesty's Governour. Provided nevertheless, and We do hereby expressly declare, That it is not Our Intention thereby to enervate or in any wise to invalidate or take from the Force of Our above recited Instruction for fixing a settled Salary in the Manner therein recommended, upon Our Governours of the Massachusetts-Bay, for the Time being; and you are hereby required to recommend the same again to the next Assembly in the strongest Terms, as the only Manner that can be acceptable to Us.

G. R.

Copy Examined,

per J. Willard, Secr.

Upon a Motion made & seconded, Mr. Agent *Wilkes's* Letter of the 14th of *September* last, as also the Copy of the Attorney General's Opinion on the Case therein mentioned, entred the 9th of *November* last, were Read, and Ordered, That Mr. *Cooke*, Mr. *Welles* and Mr. *Lynde*, with such as shall be

join'd by the Honourable Board, be a Committee to consider of the Subject Matter of the said Letter, and Report what may be proper to be done thereon, the Committee to sit forthwith.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 3. Decembris, A. D. 1731.

A Petition of *Samuel Chandler* and others, a Committee for and in behalf of the Proprietors of *Hassanamisco*, praying, that effectual Provision may be made, that all the Forty Proprietors, as also the nine Families in that place, may be obliged to pay their respective parts of the Charges risen and arising for the Settlement and Support of the Ministry and School, and for the building of the Meeting-House and School-House, and other proper and necessary Charges there, for Reasons mentioned. Read. [6]

Ordered, That Mr. *Cooke*, Mr. *Welles* and Mr. *Lynde*, with such as shall be join'd by the Honourable Board, be a Committee to consider what may be proper further to be done to inable Mr. Agent *Wilkes* to oppose any Endeavours in favour of *Barbadoes* and the other Sugar Colonies, that may tend to the Prejudice of the Trade of this Province; and that the Committee sit forthwith.

Sent up for Concurrence.

His Excellency's Speech, as also His Majesty's Additional Instruction, Read again, and the House preceeded to the Consideration of the said Speech, Paragraph by Paragraph, and upon Reading the first Paragraph thereof, referring to the making of other Laws for the Reformation of Manners, a considerable Debate was had.

Then that part thereof relating to the *Quakers* &c. was Read, and Mr. *Mason* was ordered to go up to the Honourable Board, to desire that they would send down the Bill concerning the People called *Anabaptists* and *Quakers*, which he brought down, and laid on the Speaker's Table; and it was

Ordered, That Mr. *Welles*, Mr. *Lynde* and Capt. *Goddard*, be a Committee to prepare the Draught of a Bill for the Ease of those People.

Jonathan Dowse Esq; came down from the Honourable Board, with a Bill Intituled, *An Act in further Addition to the Acts against Adultery and Polygamy*, also a Message to desire that the Petition of *Joseph Putney* and others might be sent up. And the said Petition was accordingly sent up by Mr. *Gatchel*.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The House proceeded to the further Consideration of His Excellency's Speech, and after reading that part thereof which refers to the Militia, and some Debate thereon,

Ordered, That the Committee appointed to prepare the Draught of a Bill for the ease of the People called *Anabaptists* and *Quakers*, be a Committee to prepare the Draught of a Bill for the upholding and regulating the Militia.

Upon Reading that part of the Speech relating to the Supply of the Treasury, and a Debate upon it, Major *Brattle* was ordered to go up to the Honourable Board, to desire that they would send down the last Bill prepared in the last Session for the Supply of the Treasury; who returned he had delivered the Message.

Ezekiel Lewis Esq; brought down from the Honourable Board, the Petition of *Joseph Putney* and others.

William Clarke Esq; brought down a Bill for the Supply of the Treasury, pass'd the last Session, but the House upon Reading thereof, finding that it was what was passed in *June* last, *Ordered*, That *Capt. Hale* go up with a Message to the Honourable Board, to desire that they would send down the Bill which was passed on the 7th of *July* last, and *Capt. Hale* brought [7] down the same accordingly; upon reading of which two Bills, it was

Ordered, That *Mr. Cooke*, *Mr. Welles*, *Mr. Lynde*, *Capt. Goddard* and *Mr. Rice*, be a Committee to prepare the Draught of a Bill for the Supply of the Treasury.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Sabbati Die 4. Decembris, A. D. 1731.

THe Bill intituled, *An Act in further Addition to the Acts against Adultery and Polygamy*, pass'd in Council, *viz.* In Council *December 2. 1731.* Read a First Time. 3. Read a Second Time, and pass'd to be Ingrossed.

Sent down for Concurrence. Read.

Ordered, That *Mr. Cooke*, *Mr. Welles* and Major *Brattle*, wait upon His Excellency the Governour with the following Message, *viz.*

WHereas this Court very lately, and this House on Thursday last, have received Packets from White-Hall, containing Matters of very great Importance, whereunto it is necessary that speedy Answer be made; and whereas there are Two Ships now bound for London;

Voted, That a Message be sent to His Excellency to acquaint Him, That it is the Desire of this House, that He would be pleased to stay those Ships till Wednesday next, that so Duplicates may be sent. Who returned they had delivered the Message.

Ordered, That *Mr. Welles* go up with a Message to the Honourable Board, to acquaint them, That inasmuch as there are Matters of great Importance lying before the Court, which require an immediate Dispatch, the House therefore for

that End propose to sit this Afternoon, and desire that they would sit also: Who return'd he had delivered the Message.

Ordered, That the Treasurer of the Province be and hereby is directed, as soon as conveniently he can, to purchase Bills of Exchange to the value of *Seven Hundred Pounds Sterling*, to be put into the Hands of *Francis Wilkes* Esq; Agent for this Province, and employed for their Use, the said Agent to be accountable for the same.

Sent up for Concurrence.

Jonathan Remington Esq; came down with a Message from the Honourable Board, to desire that they might be acquainted with the Business upon the Account of which the House propose to sit this Afternoon, that so they may judge of the Consequence of it.

Also to inform the House, that there was but a thin Board.

Ordered, That Mr. *Lynde* go up with the *Vote* for the Treasurer's purchasing Bills of Exchange, &c. as also a Message to the Honourable Board, to acquaint them, that there are Matters of Importance still lying before this House, which require the Court's sitting this Afternoon.

Who return'd he had delivered the Message. [8]

Ordered, That the Sum of *Eight Hundred Pounds* be advanced out of the publick Treasury, and paid to *Francis Wilkes* Esq; in Consideration of his past good Services in the Agency for this Province.

Sent up for Concurrence.

Ordered, That Mr. *Cooke*, Mr. *Welles*, Mr. *Lynde* and Capt. *Foster*, with such as shall be join'd by the Honourable Board, be a Committee to furnish Mr. Agent *Wilkes* with a Representation of the State of the Affair referring to the Boundary Lines between the Province of *New-Hampshire*, the Colony of *Rhode-Island*, and this Province; and that the Committee sit this Afternoon, and on *Monday* next in the Forenoon.

Sent up for Concurrence.

Then the House Adjourned till *Monday* next, Three o' Clock Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 6. Decembris, A. D. 1731.

O *Ordered*, That Major *Brattle* go up with a Message to the Honourable Board, to enquire whether they have passed on the Votes of *Saturday* last, for the Treasurer's purchasing Bills of Exchange, and for payment of *Eight Hundred Pounds* to Mr. Agent *Wilks*: Who return'd he had delivered the Message, and was informed, that the Board had pass'd on neither of the said Votes.

Ordered, That Mr. *Lynde* go up with a Message to the Honourable Board, to desire that they would forthwith take the said Votes into Consideration, and pass upon them: Who return'd he had delivered the Message.

A Memorial of *Edward Winslow* Esq; Sheriff of the County of *Suffolk*, praying, That sundry Sums (by him expended for Services mentioned in the Memorial, amounting in the whole to *Twenty One Pounds five Shillings and four Pence*) may be allowed and paid him out of the publick Treasury, or that the Court would afford him such Relief in the Premisses, as that he may be inabled to receive the same some other way as they shall think best, for Reasons mentioned. Read, & committed to the Committee for Petitions.

A Message from the Honourable Board by *Ezekiel Lewis* Esq; to acquaint the House, that they had deferred the Consideration of the two Votes they had reference to, in their Message of this Afternoon, till the Committee appointed to write to the Agent had made a Report, which may be expected to Morrow in the Forenoon.

Ordered, That Mr. *Welles* go up with a Message to the Honourable Board, to desire that the Instructions sent to Mr. Agent *Wilks*, in *October 1730*. might be sent down, and that the Board would not rise: Who returned he had delivered the Message.

Mr. Secretary brought down the Record of the said Instruction, and the same was Read. [10]

Spencer Phips Esq; brought down a Draught of a Letter to Mr. Agent *Wilks*, respecting the Boundary Line between this Province and the Province of *New-Hampshire*, as also a Letter with respect to the Boundaries between this Province and the Colony of *Rhode-Island*, prepared by a Committee of both Houses.

A Message from the Honourable Board by Mr. Secretary, to know if there was anything before the House that was likely to come up this Evening. Who was answered by Mr. Speaker, that the House would send up.

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A Message to the Honourable Board by Mr. *Thatcher*, to desire that they would not rise yet.

Who returned he had delivered the Message.

The Letter to Mr. Agent *Wilks*, respecting the Boundaries between this Province and the Province of *New-Hampshire*, pass'd in Council, *viz.* In Council, *December 6. 1731.* Read and accepted, with the Amendment.

Sent down for Concurrence. Read.

Voted, That Major *Brattle*, Capt. *Church* and Mr. *Tyng*, carry up to the Honourable Board, the following Message, *viz.*

I*T is very surprising that the Honourable Board should in such an unusual manner put off passing on the Vote for granting Francis Wilks Esq; Agent of this Province, the Sum of Eight Hundred Pounds for his past Services, when the Affairs of this Province have called him necessarily to an extraordinary expence of Time and Trouble, which Services will not be better known upon the Report of the Committee appointed to prepare the Draught of Letters to press him to further Services: And it also appears strange, that the Board should delay passing upon the House's Vote for furnishing the said Agent with the Sum of Seven Hundred Pounds Sterling, to enable him to prosecute several important Matters, which the Board have join'd a Committee with the House to give him Instructions concerning, upon which this Court have heretofore also instructed and press'd him very earnestly: And this Sum cannot be supposed large, considering the great Importance of the Affairs he is desired to Sollicit; and if he should not have Occasion for the whole of it, he is to be Accountable; and considering the Ships for London are iust upon sailing, the House cannot but think it very necessary for the publick Good, and now repeat their desire, that the Honourable Board would pass upon the Votes above referred to as soon as may be.*

The Letter to Mr. Agent, respecting the Boundary Line between this Province and the Colony of *Rhode-Island* (prepared by a Committee of both Houses) pass'd on in Council, *viz.* In Council, *December 6. 1731.* Read and accepted. Sent down for Concurrence. Read.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Martis Die 7. Decembris, A. D. 1731.

O*rdere*d, That Mr. *Mason* go up with a Message to the Honourable Board, to desire that they would send down the Bill pass'd by both [11] Houses the last Session, for the Pay of the Members. Who returned he had delivered the Message. The said Bill accordingly brought down, and

Ordered, That Mr. *Lynde*, Major *Brattle*, Major *Bowles*, Mr. *Tyng* and Mr.

Hall, be a Committee to prepare the Draught of a Bill for the pay of the Members.

A Memorial of *Isaac Learned* of *Oxford*, in behalf of himself and other Inhabitants there, praying, that a Petition of his, entred the 5th of *November* last, might be revived and passed upon. Read, and upon Reading the Petition above referred to, *Ordered*, That the same be revived.

The Petition of *Joseph Putney* and others, entred the 9th of *November* last, together with the Papers thereto referring, pass'd in Council, *viz.* In Council, *December* 3. 1731. Read again, together with the Answer of the Town of *Oxford*, and the same being fully considered,

Ordered, That the Prayer of this Petition be granted, and that the Petitioners have leave to bring in a Bill accordingly.

Sent down for Concurrence. Read.

The Draught of the Letter to Mr. Agent, respecting the Boundary Line between this Province and *New-Hampshire*, Read again.

Ordered, That Mr. *Cooke*, Mr. *Lynde* and Mr. *Welles*, be a Committee to prepare the Draught of a Letter to *Francis Wilkes* Esq; Agent for this House.

The Draught of the Letter to Mr. Agent, respecting the Boundary between *Rhode-Island* and this Province Read again, and the Vote of Council Non-concurred, and the said Draught re-committed.

Ordered, That Mr. *Thatcher* go up with a Message to the Honourable Board, to enquire whether they had passed upon the Votes of *Saturday* last, for purchasing Bills of Exchange, and for an Allowance to Mr. Agent *Wilks*: Who returned he had delivered the Message, and was informed, that the Board had the former of the said Votes now under their Consideration, but had not as yet passed upon the other.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Ordered, That Mr. Treasurer be and hereby is directed to supply Mr. *Thomas Pierpoint*, Chaplain at the Block-House on *St. George's* River, to the Value of *Ten Pounds*, for sundry Conveniencies, as has been heretofore accustomed for Persons of his Function.

Sent up for Concurrence.

The House proceeded to the Consideration of the Petition of *Joseph Putney* and others, entred in the Morning, and the Question was put, *Whether the House would concur with the Honourable Board in their Vote on the said Petition?* And it pass'd in the Negative.

The House proceeded to the Consideration of the Petition of *Isaac Learned* and others, (entred also in the Morning) and *Ordered*, That the Prayer [12]

thereof be granted, and that the Petitioners with their Lands within mentioned, be and hereby are to all Intents and Purposes whatsoever, annexed to the Town of *Oxford*.

Sent up for Concurrence.

The Petition of *Samuel Chandler* and others, (*Hassanamisco* Proprietors Committee) entred the 3d. Instant, Read again, and committed to the Committee for Petitions, and *Ordered*, That Mr. *Welles* be added to the Committee in this Affair.

A Petition of *Edward Jackson* of *Newtown*, in the County of *Middlesex*, Husbandman, praying (for Reasons mentioned in the Petition) that he may have Liberty at the next Superiour Court of Judicature to be held at *Charlestown* in the said County, to review an Action of Review that was brought and recovered against him at a Superiour Court held at *Cambridge* in *July* last, by *Timothy Whiting* of *Dorchester*, and *Mary* his Wife, and that Execution may be stayed in the mean Time.

Read, and the Question put, *Whether the Prayer of the Petition should be granted?* and it passed in the Negative.

The Draught of the Letter to Mr. Agent, referring to the Boundary between this Province and the Province of *New-Hampshire*, Read again, and the House pass'd a Concurrence with the Honourable Board, in their Vote of Acceptance, with a further Amendment.

Sent up for Concurrence.

John Turner Esq; brought down the Draught of a Letter to Mr. Agent *Wilks* referring to the Trade of the *Northern* Colonies, prepared by a Committee of both Houses, pass'd in Council, *viz.* In Council *December 7. 1731.* Read and accepted, with the Amendment.

Sent down for Concurrence.

Read and Concurred.

Sent up.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Mercurij Die 8. Decembris, A. D. 1731.

MR. *Cooke* from the Committee appointed to prepare the Draught of a Letter to Mr. Agent, Reported, that they had prepared one, which he Read in his Place, and the same was accepted.

Joseph Wadsworth Esq; brought down from the Honourable Board, the Petition of *Eldad Tupper*, in behalf of the dissatisfied Members in the Church in *Sandwich*, and other Inhabitants of said Town.

The Draught of a Letter to Mr. Agent, respecting the Line between the Colony of *Rhode-Island* and this Province, Read and accepted, with an Amendment.

Sent up for Concurrence.

The Petition of the said *Eldad Tupper* (entred the 22d of *June* last, pass'd in

Council, viz. In Council, *December 3. 1731.* Read again, together with [13] the Answer of the Town of *Sandwich*, and the same being fully considered,

Ordered, That this Petition be dismissed.

Sent down for Concurrence.

Read and Non-concurred, and *Ordered*, That Major *Gerrish* and Major *Bowles*, with such as shall be join'd by the Honourable Board, be a Committee to repair to the Town of *Sandwich*, hear all Parties, consider their Circumstances, and Report at the next *May* Session, what they judge proper to be done on the Petition: The Committee to give seasonable Notice of their coming, and the Charge to be born by the Petitioners.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Resolved, That the Committee appointed by this Court for signing Bills of Credit, be and hereby are directed, as soon as may be, to print off and finish in Bills of Credit on this Province, the Sum of *Three Thousand Pounds*, from the Plate of the middle Denomination, and Sign and deliver the same to the Treasurer of this Province, to be exchanged for Torn and Defaced Bills, to be burnt by the said Committee, taking his Receipt for the same; the Committee to be paid for their Service as for the Bills last made.

Sent up for Concurrence.

The Bill Intituled, *An Act in further Addition to the Acts against Adultery and Polygamy.* Read a second Time.

A Petition of *Moses Wright* of *Boston*, Mariner, and *Anne* his Wife, (late *Munden*) praying the Court would grant them a Licence to Retail Strong Liquors out of Doors, on the Long Wharfe in *Boston*, where they now dwell, or such Place as they may remove to, for Reasons mentioned. Read.

A Petition of *David Poquechus* of *Assawompsit*, in the Town of *Middleborough*, Indian, praying, That he may have leave to sell Eleven Acres and an half of Land he has in that Place, to enable him to pay for Thirty Acres of Land he has purchased there, in a more commodious place, for Reasons mentioned. Read, and in Answer thereto,

Ordered, That the Petitioner be and hereby is impowered (upon publick Notice thereof being given Ten Days before-hand) to sell to the highest Bidder, the said Eleven Acres and half of Land, the Produce thereof to be applied for the payment of the Purchase Consideration of the Thirty Acres within mentioned; and that Mr. *Barrow* be and hereby is desired and impowered to assist the Petitioner and see Justice done him; and in case any Overplus remain, to dispose thereof for the Comfort of the Petitioner.

Sent up for Concurrence.

Ordered, That the Members of this House that have been absent this Session hitherto, be forthwith sent for by the Messenger of the House, requiring them forthwith to attend their Duty in the General Court, and that no such Member receive his Certificate from the Clerk for his Wages, before he has paid such Charge as the House shall order, for the Messenger's attending of him, unless he be excused by the House.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

B O S T O N : Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1731. [15]

VOTES

Of the House of Representatives.

Jobis Die 9. Decembris, A. D. 1731.

THe House Met, and Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Petition of *Anthony Ricard*, Merchant, a Native of *France*, and Subject to his Majesty the *French King*, praying, that he may be permitted to tarry in this Province till the Superiour Court to be held at *Bristol* in *September* next, or that an Act may be made for the more speedy Trial of certain Causes (therein mentioned) depending between him and one *Godrey Malbone* of *Newport*, in the Colony of *Rhode-Island*, or that he may meet with such further and other Relief as the Court shall judge fit, for Reasons mentioned. Read, and altho' the Petitioner's Desire seems just and Reasonable, yet forasmuch as the Province Law directs that such Cases should be considered and determined on by the Governour and Council, *Ordered*, That the Petition be dismiss'd.

Mr. *Daniel Henchman*, one of the Undertakers for making Paper within this Province, exhibited to the House (in behalf of himself and Associates) a Certificate of their having made (since the Tenth of *December* last) Four Hundred Reams of good Printing, Writing and Brown Paper, and Twenty Five Reams of a finer Sort of Writing Paper, a Sample whereof was presented to the House, by which it appeared, that they had performed the Conditions hitherto.

Benjamin Lynde Esq; brought down from the Honourable Board, the Petition of *Peirson* and *Jacob Richardson*.

His Excellency's Speech at the opening of this Session, Read again, and

Ordered, That the Committee appointed to prepare a Bill for the ease of the *Anabaptists* and *Quakers*, be a Committee to take under Consideration [16] that part of His Excellency's Speech referring to the Reformation of Manners, and prepare a Bill in Addition to the Laws already made for that purpose.

Ordered, That Capt. *Goddard*, Mr. *Cooke*, Mr. *Welles*, Mr. *Shove* and Mr. *Lynde*, be a Committee to prepare the Draught of an Answer to His Excellency's Speech, and Report as soon as may be.

Daniel Oliver Esq; brought down from the Honourable Board, a Memorial

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of *Roger Price*, Clerk, and Commissary of the Episcopal Churches in *New-England*.

The Petition of *Peirson* and *Jacob Richardson*, entred the 7th of *July* last, pass'd in Council, *viz.* In Council, *December* 8. 1731. Read again, together with the Answer of *Job Richardson*, and the same being fully considered,

Ordered, That this Petition be dismiss'd.

Sent down for Concurrence.

Read and Non-concurred, and the Question put, *Whether the Prayer of the Petition should be granted*, and it pass'd in the Negative.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 10. Decembris, A. D. 1731.

A Message to the Honourable Board by Mr. *Johnson*, to desire that the Petition of *Samuel Plaisted* in behalf of the Proprietors of *Berwick*, might be sent down.

And the same was accordingly brought down, and

Ordered, That the Consideration thereof be referred to the second *Wednesday* of the next *May* Session.

Sent up for Concurrence.

Mr. *Lynde* from the Committee appointed to prepare the Draught of a Bill for the Pay of the Members, Reported, that they had agreed on one, and

A Bill intituled, *An Act for the Payment of the Members of His Majesty's Council, and the Representatives serving in the General Court.*

Read a first Time, and Re-committed.

The Memorial of the Reverend Mr. *Roger Price*, setting forth, That sundry of the Members of the Church of *England*, are under great Difficulties and Discouragements, praying Relief, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *December* 9. 1731. Read, and *Ordered*, That *Paul Dudley*, *Jonathan Remington* and *Ezekiel Lewis* Esqrs. with such as the Honourable House of Representatives shall join, be a Committee to consider of this Memorial, and make Report, what they judge proper for this Court to do therein.

Sent down for Concurrence.

Read and concurred, and *Ordered*, That Mr. *Welles*, Mr. *Lynde*, Major *Brattle* and Capt. *Goddard* be joined in the Affair. Sent up. [17]

A Petition of *Joseph Newel* of *Attleborough*, in the County of *Bristol*, setting forth, That he was on the 14th of *September* last, apprehended and imprisoned in His Majesty's Goal in *Providence*, in the Colony of *Rhode-Island*, and there confined for a considerable Time, and then dismissed by the Sheriff without

any Satisfaction given him, either for his Time or Expende, praying Relief. Pass'd in Council, *viz.* In Council, *November 9. 1731.* Read and sent down recommended.

Read, and committed to the Committee for Petitions.

The Bill *In further Addition to the Acts against Adultery and Polygamy,* Read a third Time, and the Vote of the Honourable Board for ingrossing the said Bill non-concurred.

Ordered, That Mr. Speaker issue out a Warrant directed to the Select-Men of the Town of *Reading*, requiring them to notify and warn the Freeholders and other Inhabitants of their Town, duly qualified, to assemble and chuse (if they see Cause) a Person, being a Resident and Freeholder there, to serve for and Represent them in the Great and General Court or Assembly now sitting in *Boston*, (in the Room of Mr. *Thomas Bancroft* lately deceased) and that the Select-Men make Return of the Warrant, with their Doings thereon, to the House, on or before the 24th Day of this Instant *December.*

A Memorial of *Caleb Blogget*, in behalf of himself and others, Petitioners for a Tract of Land for a Township on *Merrimack* River, joining to *Dunstable*, (as by a Petition in *May 1731* will appear) praying, That their said Petition may be taken into Consideration, and that they may have the Land granted them, agreeable to the following Bounds, *viz.* *Southerly* on *Dunstable* Line, and *Souheag* River, and so to run up *Merrimack* River, taking in Three Miles on the *East* side and on the *West* side, unto the Bounds of the *Narraganset* Township, until it includes so much Land as will make up the Contents of Six Miles square, for Reasons mentioned.

Read.

A Petition of *William Pollard* and others, poor Prisoners for Debt, in His Majesty's Goal in *Boston*, praying for Relief, for Reasons mentioned.

Read, and *Ordered,* That the Committee for Laws prepare the Draught of a Bill for the Relief of poor Prisoners for Debt, and that Mr. *Bourn* be added to the Committee.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Memorial of *Benjamin Woodbridge* and *Thomas Arnold*, for themselves and as Agents on behalf of the several Petitioners Subscribers to a Petition exhibited in the Year 1726. praying, that the Court would revive the said Petition, and that (for the Reasons therein mentioned, and what further may be added) they would grant the Prayer thereof. Read, together with the Petition above referred to, as also the Report of the Committee appointed the last Session, to consider of the Petition of *Joseph Underwood* and others,

praying, that a Tract of Land *North* of *Dunstable*, on both sides *Merrimack* River, may be granted for a Township, as entred the 13th of [18] *August*, and 6th of *October* last, and the House came into the following Order, *viz.*

Ordered, That Mr. *Shove* and Mr. *Samuel Chandler*, be a Committee to take a Survey of all the Land lying between *Dunstable North* Line and *Suncook South* Line, Three Miles *East* of *Merrimack* River, and Four Miles *West* thereof, so as not to interfere with the *Narraganset* Township, view and consider the Nature and Quality of the said Land, and whether the same will accommodate three Townships, and make Report as soon as may be.

Sent up for Concurrence.

A Petition of *John Harwood*, for and in behalf of the Town of *Uxbridge*, praying, that the said Town may be inabled Annually to raise a Tax of *One Penny per Acre* upon all the unimproved Land of Non-Resident Proprietors lying in the said Town, for and towards defreying Town Charges, (or Ministerial Charges only) as the Court shall think fit, and for such Term of Years as shall be thought proper, for Reasons mentioned. Read, and in Answer thereto, *Ordered*, That the Select-Men for the Time being, of the Town of *Uxbridge*, be and hereby are fully Authorized and Impowered, for and during the Space of Three Years next to come, to raise a Tax of *One Penny per Acre* on the unimproved Land lying within the said Town, belonging to Non-Resident Proprietors, to be appropriated for and towards the defreying the Ministerial Charge there. Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

The Petition of *Moses Wright* and Wife, entred the 8th Instant, Read again, and in Answer thereto, *Ordered*, That (upon the Petitioner's producing a Certificate of their being approved therefor by the Select-Men of the Town of *Boston*) His Majesty's Justices of the General Sessions of the Peace for the County of *Suffolk*, be and hereby are impowered at their next Session, (if they see Cause) to Licence the Petitioners to sell Strong Drink by Retail, at the House they now live in. Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Sabbati Die 11. Decembris, A. D. 1731.

O*rdred*, That Mr. *Cushing* and Major *Gerrish* be added to the Committee appointed to prepare the Draught of an Answer to His Excellency's Speech.

A Bill intituled, *An Act for granting to His most Excellent Majesty the Sum of in Bills of Credit on this Province, for the Ends and Uses in the Act mentioned, and for supplying the Treasury with the aforesaid Sum, for the*

paying off and discharging such Draughts as shall be made upon him agreeable to the Act.

Read a first Time. [19]

A Bill intituled, *An Act for granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.*

Read a first Time.

Ordered, That the Bill for the payment of the Members of His Majesty's Council and the Representatives, have a second Reading on *Tuesday* next, and that the Committee appointed to prepare the said Bill, be directed to prepare the Draught of a Bill for the Payment of the Members of the House of Representatives out of the respective Town Treasuries, from and after *May* next.

Then the House Adjourned till *Tuesday* next, Ten o' Clock in the Forenoon.

VOTES

Of the House of Representatives.

Martis Die 14. Decembris, A. D. 1731.

THe Petition of *Peter Nowel*, Agent for the Town of *York*, entred the 31st of *May* last, pass'd in Council, viz. In Council, *December 11. 1731.*
Read again, together with the Evidence of *Samuel Willard*, that the adverse Party has been served with a Copy of this Petition, and the Matter of the Petition being considered, *Ordered*, That it be dismissed.

Sent down for Concurrence.

Read and Non-concurred; but inasmuch as it appears to the House, that the adverse Party has not been duly served with a Copy of the Petition,
Ordered, That the same be dismissed.

Sent up for Concurrence.

The Impost Bill Read a second Time.

Ordered, That the second Reading of the Bill for the Pay of the Members, be referred till to Morrow in the Forenoon.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Memorial of *Thomas Hale*, in behalf of the second Parish in *Newbury*, setting forth, That on the first of *June* last, about Eighty Families which then belonged to them, were made and confirmed a distinct Parish, at which Time there was about half a Years Salary due unto the Reverend Mr. *John Tufts* their Pastor, which should have been paid him at or before the said new Parish was set off from them; the Payment whereof, as to the biggest part of it, has been hitherto neglected, to the Damage of the said Pastor, praying therefore, that for the Reasons mentioned in the Petition, the Court would Direct, Order and Advise, what they judge proper to be done under their present Difficulties, so that their Pastor may have his just Dues from both Parishes, from *November 20th. 1730.* to the first of *June* last. [22]

Read, and in Answer thereto *Ordered*, That the Assessors of the said second Parish in *Newbury* aforesaid, be and hereby are directed, to commit the Assessment by them made on the Inhabitants of the Parish set off from them in *June* last, for their rateable Part of the half Years Salary within-mentioned, unto the Collector or Collectors of the said second Parish, who are hereby also directed and impowered forthwith to proceed to collect the same, and pay it in according to the Directions in their respective Warrants.

Sent up for Concurrence.

The Report of the Committee appointed by this Court in *February* last, to Survey the Line between *North-Town* on *Turkey-Hills*, and *Dunstable*, pass'd in Council, *viz.* In Council, *December 10. 1731.* Read, and *Ordered*, That this Report be accepted, and that the Account of the Committee's Time and Expence, amounting to the Sum of *Thirty Two Pounds two Shillings* be allowed, and that it be paid by the Proprietors of *North-Town*.

Sent down for Concurrence.

Read and concurred, with an Amendment, *viz. Deducting Five Shillings a Day from each of the Committee.*

Sent up for Concurrence.

Ordered, That the Bill for the Supply of the Treasury, have a second Reading to Morrow Three o' Clock in the Afternoon.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Mercurij Die 15. Decembris, A. D. 1731.

Agreeable to the Order of the Day, the Bill for the Pay of the Members of this Court had a second Reading.

Melatih Bourn Esq; brought down from the Honourable Board, the Petition of *John Bartlet* and others; also the Petition of *Ebenezer Thornton*.

The Petition of the said *John Bartlet* and others, entred the 5th of *November* last, pass'd in Council, *viz.* In Council, *December 14. 1731.* Read again, together with the Answer of the second Parish in *Newbury*, and the same being fully considered, *Ordered*, That this Petition be dismissed.

Sent down for Concurrence.

Read and Non-concurred, and the Question put, *Whether the Prayer of the Petition be granted?* and it passed in the Negative.

Sent up for Concurrence.

The Petition of *Ebenezer Thornton*, praying, That the Court (in order to his obtaining the Justice by them intended him in their *Vote* on his Petition presented the last Session) would direct, That *Ebenezer Everet* his Factor, may be inabled (in his Name) to bring forward the Action therein referred to, agreeable to the Articles, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *December 14. 1731.* Read, and *Ordered*, That the Prayer of the Petition be granted, and that the Action above referred to, be brought in the Name of the before-mentioned *Ebenezer Everet*, the Order on the Petitioner's former Petition notwithstanding. Sent down for Concurrence. [23]

Read and non-concurred, and *Ordered*, That the Petitioner serve the adverse Party or his Attorney with a Copy of the Petition, that so he may shew Cause, if any he has, on *Friday* next, why the Prayer thereof may not be granted.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Mr. Sdeaker communicated to the House, a Letter of Excuse from Mr. *Baxter*, as also from Mr. *Foster*.

Read.

A Memorial of *Isaac Farnworth* of *Lunenburg*, Agent for and Clerk of the said Town, praying, That the Non-Resident Proprietors of the said Township, as well as the Inhabitants, may be Taxed *One Penny per Acre* towards defreying the Charge for the Support of the Ministry, and Maintenance of the School among them, for the next Three Years; and that the said Town may have a Province Law-Book, for Reasons mentioned.

Read, and in Answer thereto,

Ordered, That the Select-Men for the Time being, of the Town of *Lunenburg*, be and hereby are fully Authorized and Impowered, *Annually*, (for the space of Three Years next to come) to assess the unimproved Lands within the said Town, belonging as well to the Inhabitants, as to the Non-Resident Proprietors thereof, at *One Penny per Acre*, for and towards defreying the Charges mentioned in the Petition, and that the said Town be supplied with a Law-Book at the Charge of the Province, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Agreeable to the Order of the Day, the Bill for the Supply of the Treasury was Read a second Time, and after a considerable Debate thereon,

Ordered, That the said Bill be taken into a new Draught.

A Motion was made, that the Petition of *Joseph Newel* (which was pass'd on by the Honourable Board the last Session, as entred the 10th Instant) might be revived, and that the House would now proceed to the Consideration thereof; the Question was accordingly put, and it pass'd in the Affirmative, and *Ordered*, That the same be committed to the Committee for Petitions.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Jobis Die 16. Decembris, A. D. 1731.

The Bill *For the Payment of the Members of His Majesty's Council, and the Representatives serving in the General Court.*

Read a Third Time, and pass'd to be Ingrossed.

Sent up for Concurrence. [24]

The Impost Bill Read a Third Time, and pass'd to be Ingrossed.

Sent up for Concurrence.

Then the House Adjourned till Three o' Clock Afternoon.

Post Meridiem.

A Memorial of *Thomas Awaussamaug*, praying, That a Petition of his preferred to this Court the 28th of *July* last, may be revived and passed on this present Session. Read, as also the Petition referred to, and *Ordered*, That the same be revived, and that the Petitioner (upon publick Notice thereof being given ten Days before-hand) be and hereby is impowered to Sell to the highest Bidder, the Thirty Acres of Land therein mentioned, the Produce thereof to be applied for and towards discharging his Debts mentioned in the Petition; and that Capt. *Goddard* be and hereby is desired and impowered to assist the Petitioner, and see Justice done him, and in case any Overplus remain, dispose thereof for the Comfort of the Petitioner.

Sent up for Concurrence.

A Bill intituled, *An Act for erecting a new Town in the County of Hampshire, called Brimfield.* Read a first Time.

A Petition of *Mary Plimpton*, of *Medfield*, Relict Widow of *Henry Plimpton*, late of said *Medfield* deceased, Intestate, praying, for Reasons mentioned, That she may be inabled to sell either of two certain Tracts of unimproved Land within mentioned, belonging to the deceased, the Produce thereof to be applied for the payment of his Debts, the Remainder (if any be) to be secured to his Heirs. Read, and the Question put, *Whether the Prayer of the Petitioner be granted?* and it pass'd in the Negative.

John Osburn Esq; brought down from the Honourable Board, a Report of a Committee appointed by this Court in *March* last, to find out and renew the Bounds of a certain Farm in the *North Town* on *Turkey-Hills*, called *Hathorn's Farm*.

Also an Order of Council for referring the further Consideration of the Plat of the said *North Town* and of the said Report to the next *May* Session.

A Petition of *Benjamin Kidder* of *Bedford*, in the County of *Middlesex*, praying, That His Majesty's Justices of the General Sessions of the Peace for the said County, may be impowered to grant him a Licence (if they see Cause) to keep a Tavern in the said Town, the Time limited by Law being elapsed notwithstanding, for Reasons mentioned.

Read, and in answer thereto, *Ordered*, That His Majesty's Justices of the General Sessions of the Peace for the County aforesaid, be and hereby are impowered, at their present Session, if they see Cause, to Licence the Petitioner to keep a Tavern at the House he now lives in, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Memorial of *Edward Jackson*, praying, that the Matters contained in a Petition he exhibited to this Court the 7th Instant, may be re-considered,

and that the Prayer thereof may be granted, for Reasons mentioned. Read, and the Question put, *Whether the Prayer of the Memorial be granted?* and it pass'd in the Negative. [25]

The Report of the Committee appointed to find out and renew the Bounds of *Hathorn's Farm*, pass'd in Council, *viz.* In Council, *December 16. 1731.* Read and sent down. Read.

As also the Order of Council before referred to, *viz.* In Council, *December 16. 1731. Ordered*, That the further Consideration of the Plat of the *North Town of Turkey-Hills*, and of the Report of the Committee referring to *Hathorn's Farm*, be referred to the Session of the General Court in *May* next, that so the Parties therein concerned, may in the mean Time agree the Matters in Difference among them.

Sent down for Concurrence.

Read and concurred with an Amendment, *viz.* Dele the Words, *That so the Parties concerned*, &c. to the end of the Order.

Sent up for Concurrence.

The Bill for the Supply of the Treasury, Read a Third Time, and pass'd to be Ingrossed. Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Veneris Die 17. Decembris, A. D. 1731.

AN Accompt sign'd *John Savell*, for going on an Express, by Order of the Honourable House, to require sundry of the Members therof, to attend their Duty in the General Court, (amounting to *Sixteen Pounds five Shillings*) Read, and committed to Mr. *Cooke*, Mr. *Delano* and Major *Brattle* to examine the same, and adjust each Person's Proportion of the Charge.

The Bill for erecting a new Town in the County of *Hampshire*, called *Brimfield*. Read a second Time.

A Memorial of the Freeholders and other Inhabitants of the *Westerly Precinct* in *Watertown*, sign'd *William Brown*, in the Name and by Order of the Committee, praying the Court to set off and erect the said *Westerly Precinct* into a separate and distinct Town, as prayed for in their Petition entred the 17th of *June* last, for Reasons mentioned.

Read, and *Ordered*, That the Consideration of this Memorial be referred till *Thursday* next, that so the Parties may have an Opportunity to be heard thereon, if they see Cause.

Thomas Cushing Esq; brought down from the Honourable Board, the Impost Bill, pass'd on in Council, *viz.* In Council, *December 17. 1731.* Read.

Also *Ezekiel Lewis* Esq; the following Message, *viz.*

In Council, *December 17. 1731.*

FOrasmuch as His Excellency has informed this Board, that in the Impost Act now in Force in the Province of *New-Hampshire*, there is no Duty of Tunnage laid on the Ships and other Vessels belonging to this Province; [26]

Ordered, That a Message be sent down to the Honourable House of Representatives, to propose, that the Vessels belonging to the Inhabitants of the said Province of *New-Hampshire*, be in like manner exempted from paying the Duty of Tunnage here, and that the Impost Bill be amended accordingly. Read.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Bill intituled, *An Act further to exempt Persons commonly called Anabaptists, and those called Quakers within this Province, from being Taxed for and towards the Support of Ministers.*

Read a first time.

Ordered, That Mr. Choat, Capt. Alden and Mr. Bisby, be added to the Committee appointed to prepare the Draught of an Answer to His Excellency's Speech.

The Message of this Morning from the Honourable Board, respecting the exempting of Vessels belonging to the Inhabitants of the Province of *New-Hampshire* from paying the Duties of Tunnage, Read again, and the House agreed to the Proposal, and sent up the Impost Bill amended accordingly.

A Memorial of *William Clark* and *Daniel Russel* Esqrs. desiring that the Commissioner or Receiver of Impost may be informed by a *Resolve* of this Court, what their Judgment is as to Vessels belonging to the Inhabitants of *Novæ Scotiæ's* being exempted from paying the Duty of Tunnage, for Reasons mentioned.

Read and *Resolved*, That it was never intended, that any Ships or Vessels coming from *Accada* or *Novæ-Scotiæ*, into any other Port or Ports within this Province, should be subjected to the Duty of Tunnage.

Sent up for Concurrence.

A Motion was made by Capt. *Goddard*, that he might have leave to lay on the Table, something by him committed to Writing, which he thought to be of publick Concern; and having the leave of the House, laid the same on accordingly.

Read, and the Consideration thereof referred till *Thursday* next.

A Petition of *Joseph Stephens* and others, a Committee appointed to inspect and regulate the Settlement of the *North-Town* (so called) in the County of *Middlesex*, and of *William Lawrence*, Agent for the Proprietors of the said *North-*

Town praying, that the Plan of the said *North-Town*, given in to this Court this present Session, by a Committee by them appointed, (saving such part thereof as by the Report of the said Committee inroads upon the Town of *Dunstable*) may be accepted, and the Lines settled accordingly; and that, as it appears by the said Report, that the greater Number of the Grantees in the said *North-Town*, have fulfilled the Conditions of their Grant, the same may be erected into and made a distinct and separate Township, and that the Inhabitants thereof may have and enjoy the Privileges and Immunities which other Towns within this Province have and do enjoy; and that the Court would re-consider their Order for lay-[27]ing the whole Charge of the said Committee upon the Proprietors of the said *North-Town*, and free them wholly therefrom, or at least that they may be obliged to pay no more than their proportionable Part thereof, for Reasons mentioned. Read.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Sabbati Die 18. Decembris, A. D. 1731.

A Petition of *Ebenezer Pincin* of *Scituate*, praying, That he or some other meet Person, may be empowered to take into their Hands the Estate of his Brother *Thomas Pincin*, (who by the Providence of God is fallen into Distraction) and to recover his just Debts; he or they giving sufficient Bonds to the Judge of Probate, to take due care of his said Brother, and to pay *Annually* to his Wife, such Sums for her Maintenance, as the Court shall Order, and also to render an Accompt, and pay the remainder of the Estate to his said Brother, if restored to his right Mind, or to his Heirs at Law after his decease, for Reasons mentioned.

Read.

A Message to the Honourable Board by Major *Brattle*, to desire that they would send down the Petition of *Ebenezer Thornton*; who returned he had delivered the Message.

Peter Thatcher Esq; accordingly brought down the said Petition.

Ordered, That the Committee for Laws, prepare the Draught of a Bill directing how the adverse Parties in any Petition preferred to this Court, shall be notified.

Joseph Wadsworth Esq; brought down from the Honourable Board, the Petition of *John Allen* Esq; entred the 5th of *August* last, pass'd in Council, *viz.* In Council, *December* 18. 1731. Read again, and it appearing that the adverse Party has been served with a Copy of this Petition, *Ordered*, That the Prayer thereof be granted, any Law, Usage of Custom to the contrary notwithstanding.

Sent down for Concurrence.

Read and Concurred.

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The Bill for erecting a new Town in the County of *Hampshire*, Read a Third Time, and passed to be Ingrossed.

Sent up for Concurrence.

The Bill for exempting *Anabaptists* and *Quakers* from being taxed towards the Support of Ministers.

Read a second Time.

Then the House Adjourned till *Monday* next, Three o' Clock in the Afternoon.

BOSTON: Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1731. [28]

VOTES

Of the House of Representatives.

Lunæ Die 20. Decembris, A. D. 1731.

THe Petition of *Ebenezer Thornton*, entred the 15th Instant, Read again, and *Ordered*, That the Prayer of the Petition be granted, and that the Action within referred to, be brought in the Name of the within-mentioned *Ebenezer Everet*, the Order on the Petitioner's former Petition notwithstanding.

Sent up for Concurrence.

A Petition of *John Coffin* and others, Inhabitants of sundry Towns within this Province, praying, that they may have a Tract of Land above and adjoining to *Pennicook*, of the Contents of seven miles square granted to them, under such Limitations as may compel them to settle the same, for which they are willing to pay, for the use of the Province, *Five Hundred Pounds* in Bills of Credit.

Read, and *Ordered*, That Mr. *Welles*, Major *Chandler* and Major *Brattle*, be a Committee to consider thereof, and Report what may be proper to be done thereon.

A Petition of *Luke Vardy* and *Richard Hunt*, both of *Boston*, praying, that the Court would Licence *James Jarvis* to be an Innholder in the House where *Richard Avery* lately kept a Tavern in *Roxbury*, for Reasons mentioned.

Read, and *Ordered*, That His Majesty's Justices of the General Sessions of the Peace for and within the County of *Suffolk*, be and hereby are impowered, if they see Cause, at their next Session, to Licence the within named *James Jarvis* to keep a Tavern at the House within mentioned, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Petition of *John Nash*, Representative of the Town of *Hadley*, praying, that the Sum of *Twenty two Pounds four Shillings*, which the said Town [30] was overcharged in the last Tax Act, for payment of their Representative, might be taken off from them, or that they may be otherwise relieved, as the Court shall think best, for Reasons mentioned.

Read.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Martis Die 21. Decembris, A. D. 1731.

AN Accompt of *Joseph Young*, Keeper of His Majesty's Goal at *York*, in the County of *York*, for subsisting Four Prisoners, amounting to *Twenty one Pounds twelve Shillings*. Read, and *Ordered*, That the Sum of *Twenty one*

Pounds twelve Shillings be paid out of the publick Treasury to the Accomptant, in full discharge of this Accompt.

This House being informed, that the Prisoners in His Majesty's Goal within the County of *Suffolk*, have of late been very much abused, and ill treated by the Keeper of the said Goal, *Ordered*, That Mr. *Cooke*, Mr. *Shove*, Mr. *Bourn*, Major *Brattle*, Mr. *Thatcher*, Major *Epes* and Mr. *Hall*, be a Committee to inquire into that Matter, and make Report.

The Bill to exempt *Anabaptists* and *Quakers* from being taxed towards the Support of Ministers, Read a Third Time, and pass'd to be Ingrossed.

An Ingrossed Bill intituled, *An Act for granting to His most Excellent Majesty, the sum of Twenty Thousand Pounds in Bills of Credit on this Province, for the Ends and Uses in the Act mentioned, and no other, and for supplying the Treasury with the aforesaid Sum.*

Read, and pass'd to be Enacted.

Upon a Motion made, the House voted to re-consider their Vote of the 7th Instant, for non-concurring the Order of the Honourable Board of the 3d Instant, on the Petition of *Joseph Putney* and others; and after reading the Petition, and Papers thereto referring, and a considerable Debate thereon, the House concurred the Honourable Board in their said Vote, with this Addition, *viz.* That Provision be made in the said Bill, that such of the Petitioner's Land and Estates as belong to the Town of *Oxford*, pay their Taxes for the Support of the Ministry there, for this present Year.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Petition of *Ebenexer Pincin*, entred the 18th Instant, Read again, and (the previous Question being put, *Whether the adverse Party should be served with a Copy*, and pass'd in the Negative) *Ordered*, That the same be dismissed.

A Bill intituled, *An Act, in further Addition to an Act, intituled, An Act for the Relief of Idiots and distracted Persons*, made and passed in the Sixth [31] Year of the Reign of King *William* and Queen *Mary*.

Read a first time.

Thomas Cushing Esq; brought down from the Honourable Board, the following *Resolve*, *viz.*

In Council, *December 21. 1731.*

Whereas an Order passed this Court in their last Session, granting to several Persons Inhabitants in the Town of *Brimfield*, *viz.* *Nathaniel Hitchcock*, *Ebenexer Greaves*, *David Hitchcock*, *Benjamin Cooley*, *Leonard Hoar*, *John Sherman*, *David Morgan*, *Nathan Collins*, *John Stebbins*, *William Nelson* and *John Charles*, a Lot a-piece for themselves, and one Lot to one Son of each of the

said Grantees, and its not being mentioned in the said *Order*, which Son should have the said Lot, and it being necessary that the same should be determined,

Resolved, That the Parents, *viz.* the said Grantees, have, and hereby are impowered and authorized to determine which of their Sons shall hold, use, occupy and enjoy the Grant made as aforesaid; and if any of the Parents desire that two or more of their Sons should have the said Lots, that then they are impowered to divide the same accordingly, and enter such their Determination in the Proprietor's Book, and the Clerk of the Proprietors is hereby directed to enter the same therein. Always *provided*, that the Conditions of the said Grants be in every respect complied with, notwithstanding such Division or Determination of the Parent.

Sent down for Concurrence.

Read.

A Message from the Honourable Board by *Ezekiel Lewis* Esq; desiring to speak with the Representative of *York*, who having the leave of the House went up accordingly.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Mercurij Die 22. Decembris, A. D. 1731.

AN Ingrossed Bill intituled, *An Act for the Payment of the Members of His Majesty's Council, and the Representatives serving in the General Court.*

Read, and passed to be Enacted.

The Committee to whom was referred the Petition of *John Coffin* and others, entred the 20th Instant, Reported, Read, Accepted, and

Ordered, That the Prayer of the Petition be so far granted, as that the Petitioners be and hereby are impowered by a Surveyor and Chain-Men under Oath, to Survey and lay out a Township of the Contents of seven Miles square above and adjoining to the new Town at *Pennicook*, on both sides of *Merrimack* River, to extend three Miles on the *East* side, and four Miles on the *West* side of the said River, and return a Plan thereof to this Court at their Session in *May* next for Confirmation; at which time the Grantees shall pay into the Province Treasury, for the use of the Province, [32] *Five Hundred Pounds* in Bills of Credit, and that thereupon the Petitioners be impowered to chuse and appoint a Committee for laying out one Hundred Home-Lots, (which shall be drawn for by the Grantees) and such other Divisions as shall be agreed upon by the Major Part of them; the whole of the Charge to be equally paid by the said Grantees. And that, for the effectual bringing forward the Settlement of the said Township, the Grantees shall within six Years from the first Day of *July* next, have actually upon the Spot, Ninety Seven Fami-

lies, each of which to have a Dwelling-House of eighteen Feet square, and seven Feet Stud, at least, and three Acres of Land well stock'd with *English* Grass, fit for Mowing, and four Acres of Tillage Land brought to fit for Improvement, upon pain of forfeiting his Interest to the Province, and the Sum of *Ten Pounds*, for which Security shall be given at the Payment of the said *Five Hundred Pounds*, to a Committee of the Court to be appointed for that Purpose; and that there be Three Home-Lots, with all after Rights, part of the said One Hundred, sequestered, *viz.* One for the first settled Minister, One for the Ministry, and one for the School.

Sent up for Concurrence.

The several Accompts of Mr. Treasurer *Allen* (presented the last Session) were laid upon the Table, and the Report of the Committee then appointed to inspect the same was Read, and *Ordered*, That the said Committee consider what may be proper further to be done relating to that Affair, and Report as soon as may be.

Then the House Adjourned till to Morrow Morning Ten a Clock.

VOTES

Of the House of Representatives.

Jobis Die 23. Decembris, A. D. 1731.

William Dudley Esq; brought down the Bill to exempt *Anabaptists* and *Quakers* from being taxed towards the Support of Ministers.
Also a Petition of *Jonathan Parker* and others, a Committee of *Reading North Precinct*.

Joseph Wadsworth Esq; brought down a Memorial of *James Ayer* and *Richard Hazen Jun.* for themselves and in behalf of the Proprietors and Inhabitants of the Town of *Haverhil*.

The Bill for exempting *Anabaptists* and *Quakers* from being taxed towards the Support of Ministers, pass'd in Council, viz. In Council, *December 21. 1731.* Read a first Time. 22. 1731. Read a second Time, and pass'd a Concurrence with the Amendments. Sent down for Concurrence.

Read and concurred with the Amendment at C, the others non-concurred, and the House adhere to the Bill with that Amendment.

The Bill in Addition to the Act for the Relief of Idiots and distracted Persons.
Read a second Time.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Petition of *John Nash*, Representative of the Town of *Hadley*, entred the 20th Instant, Read again, and Ordered, That the Treasurer be and he hereby is directed to allow the said Town the Sum of *Twenty two Pounds four Shillings*, being so much overcharged them in the Year Current, for the Pay of their Representative the last Year.

Sent up for Concurrence. [34]

Agreeable to the Order of the Day, the House proceeded to the Consideration of the Memorial and Petition of the Freeholders and others Inhabitants of the *Westerly Precinct* in *Watertown*, the Parties were admitted into the House, fully heard, and then withdrew; and after some Debate, the Question was put, *Whether the Prayer of the said Petition should be granted?* and it passed in the Negative.

Ordered, That the Committee for Laws, prepare the Draught of a Bill in Addition to the Laws for the Settlement and Support of Schools and School-Masters, and that Mr. *Bird* and Mr. *Jacob* be added to the Committee for this Affair.

Paul Dudley and *Jonathan Remington* Esqrs. brought down from the Honour-

able Board, the Bill to exempt the *Anabaptists* and *Quakers* from being taxed towards the Support of Ministers, pass'd in Council, *viz.* In Council, *December 23. 1731.* Read and concurred, saving the Amendments at *A, B, D* and *E*, and the Board insist on the said Amendments. Sent down for Concurrence. And the said Gentlemen having (by Direction of the Honourable Board) assigned sundry Reasons for their so insisting, and being withdrawn, the Question was put, *Whether the House would concur the Honourable Board in their said Amendments?* and it pass'd in the Affirmative.

A Bill for making a new Town in the County of *Worcester.*

Read a first Time.

An Ingrossed Bill intituled, *An Act for granting unto His Majesty several Rates and Duties of Impost and Tunnage of Shipping.* Read, and passed to be Enacted.

An Ingrossed Bill intituled, *An Act for erecting a new Town in the County of Hampshire, called Brimfield.* Read and past to be Enacted.

A Petition of *Jonathan Parker* and others, a Committee appointed by the *North Precinct* in *Reading*, in the County of *Middlesex*, praying, That those Families, with their Lands, that are Petitioners with them, including the Land of *Eleazer Flint*, an Inhabitant of the said Parish, may be laid to them, and one Mile in Wedth of *Andover* joining to them, *viz.* One Mile in Wedth at their *North-East* and *North-West* Corner, and so a streight Line from *Wilmington* to *Middleton*, also of *Reading South* Parish, so much as is included by a streight Line from their *South-East* Corner to their *South-West* Corner to their *South-West* Corner at *Wilmington*, or that a Committee may be sent to consider of their Circumstances and Report, or that they may any other way be relieved as the Court may think fit, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *December 22. 1731.* Read, and *Ordered*, That the Petitioners serve the Towns of *Reading* and *Andover*, and the *North* Parish in *Lyn* with Copies of this Petition, that so they may shew Cause, if any they have, on the first *Tuesday* of the next *May* Session, why the Prayer thereof should not be granted.

Sent down for Concurrence. Read and Concurred.

Then the House Adjourned till to Morrow Morning Ten o' Clock. [35]

Veneris Die 24. Decembris, A. D. 1731.

A Greeable to the Order of the 10th Instant, the Select-Men of the Town of *Reading* made Return of their Precept, and upon Reading the same it appeared, that the said Town had determined not to send any Person to represent them.

A Petition of *Jonathan Blasdale* and others, Select-Men of the Town of *Almsbury*, praying, That a Grant heretofore made the said Town, for keeping a Ferry over *Merrimack* River, may be renewed &c. for Reasons mentioned. Read, and *Ordered*, That the Petitioners serve the adverse Party with a Copy

of the Petition, that so he may shew Cause, if any he hath, on the second *Thursday* of the next *May* Session, why the Prayer thereof may not be granted. Sent up for Concurrence.

The Bill for erecting a new Town in the County of *Worcester*, Read a second Time.

An ingrossed Bill intituled, *An Act further to exempt Persons commonly called Quakers within this Province, from being Taxed for and towards the Support of Ministers.* Read, and pass'd to be Enacted.

Sent up.

Upon a Motion made and seconded, *Voted*, That Major *Brattle* have leave to prepare the Draught of a Bill in Addition to the Act providing in case of Sickness.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Memorial of *James Ayer* and *Richard Hazen Jun.* for themselves and in behalf of the Proprietors and Inhabitants of the Town of *Haverhil*, praying, that a Committee may be appointed of such Gentlemen as the Court shall think proper, together with a Surveyor, to run the Lines of the said Town, and take a personal View of the Incroachments made upon them, or that the Court would otherwise relieve them in the Premises, for Reasons mentioned. Pass'd in Council, *viz.* In Council, *December 22. 1731.* Read, and *Ordered*, That the Prayer of this Petition be granted, and that *William Dudley Esq;* with such as shall be join'd by the Honourable House of Representatives, be a Committee for the Purposes within-mentioned, and that *Mr. Jonas Houghton* be the Surveyor for the said Service; the Surveyor and Chain-Men to be under Oath, and that the Committee make Report of their Doings herein to this Court, at their Session in *May* next.

Sent down for Concurrence.

Read and non-concurred, and inasmuch as the Bounds of the Town of *Haverhil*, according to the ancient Grant, have long since been established, and having been renewed from Time to Time, are well known, and there are Courts of Justice proper for the Cognizance of such Matters as are complained of in the Memorial, *Ordered*, That this Memorial be dismissed.

A Petition of *Thomas Duston* of *Haverhil*, and *Hannah* his Wife, praying the Court, for Reasons mentioned, further to consider their Circumstances, [36] and grant them a Quantity of the unappropriated Land within this Province, or otherwise to extend their Bounty, beyond the *Twenty Five Pounds* formerly allowed them, for the Services within-mentioned.

Read, and committed to the Committee for Petitions.

Voted, That the Select-Men of the Town of *Boston*, be desired forthwith to make a strict Inquiry and Search into the several Houses of the Town, in Order to discover whether any Persons other than such as are removed to the Hospital on the Common, are visited with the *Small Pox*, and Report as soon as may be.

A Petition of *Elijah Danforth* of *Dorchester*, for himself, his Brethren and Sisters, praying such Relief as the Court shall think fit, in the Division of their late Mother's Estate, which they labour under Difficulties about, by Reason of *Elizabeth* a Minor, at *Surrinam*, the Daughter and only Heir of their late Brother *Thomas*, for Reasons mentioned. Read.

A Petition of *John Green* of *Malden*, praying an Order of this Court, for his being admitted to defend his Right in a certain Mill and Dam mentioned in the Petition, and that the Judges of the Superiour Court may hear, try and determine a Writ or Action therein mentioned, which was by them dismissed in *July* last, and that in all Actions that shall be brought relating to the said Dam, against any Person or Persons justifying under him, he may be admitted Defendant, as well in the Superiour as Inferiour Court, in order to his having the Benefit of a Judgment of an Inferiour Court within mentioned, and a fair Trial of his Title in the Premises, for Reasons mentioned. Read.

A Message from His Excellency the Governour by Mr. Secretary, *viz.*

Mr. Speaker, *His Excellency directs this Honourable House to attend Him in the Council Chamber.*

Mr. Speaker and the House went up accordingly, and His Excellency gave His Assent to the following Bills, *viz.*

A Bill intituled, *An Act for granting to His Majesty several Rates and Duties of Impost and Tunnage of Shipping.*

A Bill intituled, *An Act for the Payment of the Members of His Majesty's Council, and the Representatives serving in the General Court.*

Also a Bill intituled, *An Act further to exempt Persons commonly called Quakers within this Province, from being taxed for and towards the Support of Ministers.*

And the Bill intituled, *An Act for granting to His most Excellent Majesty the Sum of Twenty Thousand Pounds in Bills of Credit on this Province, for the Ends and Uses in the Act mentioned, and for supplying the Treasury with the aforesaid Sum, for the paying off and discharging such Draughts as shall be made upon him agreeable thereto*, being offer'd His Excellency to Sign, He made a Speech to both Houses, in the following Words, *viz.*

Gentlemen of the Council, and House of Representatives,

HIS Majesty, by His Royal Instruction to me, has declared, That a Bill of *this Nature is directly contrary to the Tenour of the Charter of this Province, and has commanded me not to suffer any Supply of the Treasury to be made in this Manner: I do therefore in Obedience to His Majesty, refuse my Assent to this Bill, as I shall do to any other of this Nature, if it should be made.*

Which being ended, Mr. Secretary, by His Excellency's Direction, declared, That it was His Excellency's Pleasure, that the Great and General Court should be adjourned till *Tuesday* next, Ten o' Clock in the Forenoon, and the same was accordingly Adjourned. [37]

VOTES

Of the House of Representatives.

Martis Die 28. Decembris, A. D. 1731.

PUrsuant to the Order of the 24th Instant, the Select-Men of the Town of *Boston* Reported, That they had carefully examined the State of the *Small Pox* in the Town, and could only find that one *Clark* near the Mill-Creek (where the Distemper was formerly advertised to be) has the Symptoms (tho' to them as 'tis at present, uncertain, but very likely) and besides him none have it, except the Children at the bottom of the Common, who are in a very likely way to do well.

Read.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Bill for erecting a new Town in the County of *Worcester*, Read a third Time, and pass'd to be Ingrossed.

Sent up for Concurrence.

Ordered, That the Committee for Laws, prepare the Draught of a Bill in Addition to the Act for hearing and determining of Cases in Equity.

Seth Williams Esq; brought down from the Honourable Board, a Letter from the Government of *Rhode-Island*, to His Excellency the Governour, (Dated *Newport*, December 24. 1731.) which His Excellency thought fit to communicate; the Purport whereof is, to acquaint His Excellency of that Government's having received a Letter from *This*, respecting the Controversy about the Gore of Land adjoining *Pawtucket Falls*, and some Proposals made by that Government, for accommodating the Matter in Controversy, and bringing the same to an Issue, which they had drawn up into an Act or Order, a Copy of which was sent.

Also the following Order of Council, *viz.* [38]

In Council, *December 28. 1731.*

The Board taking into Consideration a Letter from the General Assembly of the Colony of *Rhode-Island*, directed to His Excellency the Governour, (to be communicated to this Court) Dated at *Newport* the 24th Instant, together with a *Vote* of the said Assembly, for referring the Matters in Difference between the two Governments, respecting the Gore of Land, to indifferent Persons,

Ordered, That *John Chandler* and *William Dudley* Esqrs. with such as shall be

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join'd by the Honourable House of Representatives, be a Committee to prepare the Draught of a Bill for the same Purpose, and Report as soon as may be.

Sent down for Concurrence.

Which were all of them severally Read.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurij Die 29. Decembris, A. D. 1731.

THe Motion made by Capt. *Goddard*, as entred the 17th Instant, Read again, and

Ordered, That Mr. *Welles*, Major *Brattle*, Mr. *Wilder*, Mr. *Thatcher* and Major *Chandler*, be a Committee to take the same under Consideration, and Report what may be proper to be done thereon.

Major *Brattle* Reported, That he had (agreeable to the Vote of the 24th Instant) prepared the Draught of a Bill, which he laid on the Table, and the same,

Intituled, *An Act to prevent Persons concealing the Small Pox*, was Read a First Time.

Upon a Motion made and seconded, *Voted*, The House do come upon the Choice of Civil Officers to Morrow at Three o' Clock in the Afternoon: And

Ordered, That Major *Chandler* go up with a Message to the Honourable Board to acquaint them therewith, and desire they would join with them therein.

Symonds Epes Esq; brought down from the Honourable Board, the Bill for making a new Town in the County of *Worcester*, pass'd in Council, *viz.* In Council, *December 28. 1731.* Read a first and second Time, and concurred with the Amendments.

Sent down for Concurrence. Read and Concurred.

The *Resolve* of Council for Explanation of an Order of this Court, pass'd the last Session, with respect to *Brimfield*, as entred the 21st Instant, Read again.

The Committee appointed to prepare the Draught of an Answer to His Excellency's Speech at the opening of this Session, Reported, That they had prepared a Draught. Read and accepted, and [39]

Ordered, That Mr. *Lemmon*, Mr. *Hobson*, Major *Brattle*, Col. *Gorham*, Mr. *Clark*, Mr. *Hale* and Mr. *Bourn*, wait upon His Excellency the Governour with the following Message, *viz.*

May it please Your Excellency,

THis House, at the several Meetings of this Court since *May* last, have done as much, and gone as far, in the important Business for which You was pleased to continue them sitting so long, as we judged consistent with the Safety of the People we Represent; and are now met, with the same

ready Disposition to do every thing therein, we can think conducive to the publick Good.

We Rejoice with Your Excellency, in the Happiness His Majesty's Subjects so universally enjoy under His wise and mild Government: And nothing can be more acceptable to us, than that Your Excellency, according to His Majesty's Glorious Example and Direction, so constantly and pressingly leads and excites us to what may tend to the Encouragement and Establishment of good Manners and true Religion among us; and we shall readily and gladly come into the most effectual Methods for those excellent Purposes, and for the suppression of Vice and Profaness; and in order to it, we think it may have a very good Tendency, if it be recommended to the several Officers in the Province, more carefully to put the Laws against Immoralities and Disorders in Execution; and for their Encouragement, that the Penalties for such Misdemeanours, be disposed of in greater Proportion to such as bring disorderly Persons to Justice.

As to the Difficulties complained of by the People called *Quakers*, the House have endeavoured, as far as can reasonably be desired, to remove them, in the Act pass'd this Session, for that Purpose.

We are very sensible, that Honesty and plain Dealing are the best Foundation of a lasting Trade and Commerce, and shall carefully endeavour to prevent all Deceits and Frauds therein. We rejoice in Your Excellency's Concern for some Medium of Trade, but cannot at present think of a better Method for Relief in that Case, than what was proposed the last Session, in the Bill for emitting *Fifty Thousand Pounds*, redeemable by *Silver and Gold*, which passed the two Houses, to which Your Excellency was not then pleased to give Your Consent.

But as to the Oppressions many labour under, we cannot but think it might greatly tend to prevent them, relieve People under, and deliver them from, many of their Difficulties, if some more effectual Method for discovering excessive Usury, and more severe Penalties against it, were established by a Law of this Province, for which Purpose this House propose to prepare a Bill.

Your Excellency is pleased to signify to the General Assembly, respecting His Majesty's Royal Instruction for settling a Salary of *One Thousand Pounds Sterling per Annum* on His Governour for the Time being, that if they would consult their own Ease and Interest, it must be by acting in that Affair in such a Manner, as may be most acceptable to His Majesty: In Answer [40] whereto, allow us to say, That when Your Excellency, at the opening of the last Session, recommended a Compliance with that Instruction, the House, after having once and again, in the most mature Manner they were capable of, deliberately considered thereon, could by no means think of complying

therewith, humbly apprehending that by so doing, they should deprive His Majesty's good Subjects here of their just Rights and Privileges, which they with great Reason have the utmost Value and Regard for; the safeguarding and maintaining of which, they have at sundry Times and in express Directions in the strongest Manner, recommended to their Representatives: At the same Time sincerely desirous that His Majesty's Governour should be honourably Supported by them, and eat the Bread of a Governour. And this House in their last Session, in Conjunction with the Honourable Board, passed a Bill in the usual and accustomed Way for Your Excellency's Support, which His Majesty deemed Sufficient and Honourable, as this House humbly conceive, by His giving Your Excellency leave to pass the Act, that so You might receive the same. When we consider what former Assemblies have done for Supporting His Majesty's Governours, altho' their repeated Endeavours have been frustrated, together with what this House have done, we would humbly hope, His Majesty will have no Cause for the future to question His Governour's being honourably Supported; and we can and do with the utmost Sincerity assure Your Excellency, That it has been the care of the present Assembly, seasonably to provide for Your Support; and unfeignedly desire and doubt not but that all succeeding Assemblies will be equally solicitous to pass Acts for the honourable Support of His Majesty's Governours from Time to Time, in the same Way and Manner.

We are surprized that all Endeavours for adjusting the Boundaries between this Province and *New-Hampshire*, have proved successless; but as this Government have done every thing consistent with Reason and Justice for effecting it, we think the Blame must lie on *New-Hampshire*, who have refused to join with us on such Terms: And we doubt not but it will appear so by the Representation we have sent of that Affair, to the Agent of this Province.

We acknowledge Your Excellency's Care and Favour, in so early communicating to us the Honourable Mr. *Van Dam*'s Letter concerning the *French* Encroachments on *Crown-Point*, and think them to be very unjust and dangerous, and that it would be proper for this Government, with others near it, to demand their speedy withdrawing, and in case of their Refusal, to take further Methods to bring them to it, and lay this Affair, as soon as may be, with our Proceedings thereon, before His Majesty.

We very thankfully take Notice of Your Excellency's Concern for the Militia, and readily acknowledge, that to support & encourage it, is of great Necessity, but cannot but humbly apprehend, that the Neglect and Disrepute it is grown into for several Years past, has been considerably occasioned by the Practice in some former Administrations, to regard more the obsequious and servile Compliance of the Ambitious, than real Merit, and steady Faithfulness to the publick Good and Interest of the Country, in preferring

Men to Posts of Honour and Trust in the Militia, and not by the smallness of the Penalties for Non-attendance only. [41]

As to the emptiness of the Treasury, it is what the House are greatly concerned at, but we think it cannot be imputed as a Fault to them, and that Your Excellency bears hard on us, in calling our not supplying the Treasury, a Refusal to do it, and a manifest Injustice to private Persons, without mentioning that which prevented it, *namely*, Your Excellency's refusing Your Consent to a Bill passed by the House, and concurred by the Council, for supplying the Treasury with a Sum sufficient to discharge all the Debts due from the Province, as soon as the Accompts should be allowed by this Court: And this Refusal of Your Consent, Your Excellency informed us, was, because His Majesty's Instruction directed, that no Accompts of Service performed, should be laid before the House of Representatives, for their Allowance before Payment. After Your Excellency's rejecting this Bill, the House prepared another, for payment of Stipends and Premiums by Law established, Gratuities, Allowances, together with sundry Accompts of Charge, which had passed in the usual and accustomed Manner; but this Bill was non-concurred by the Honourable Board. Soon after which, the House sent to all the Towns in the Province that had Members to represent them, desiring their Advice, and assuring them, that at least, without their Direction, we could not supply the Treasury according to His Majesty's 30th Instruction, and but two Towns gave Directions to their Representatives to Supply in that Method.

We gratefully observe and heartily join with Your Excellency in Your Desires for the Prosperity and Welfare of *New-England*, and sincerely pray Your Excellency may be long continued at our Head, to seek and advance it.

J. QUINCY, Speaker.

Joseph Wadsworth Esq; brought down from the Honourable Board, a Report of a Committee of this Court, appointed in *June* last, to fix a place for a Meeting-House in the second Precinct in *Woburn*, pass'd in Council, *viz.* In Council, *December 29. 1731.* Read, and *Ordered*, That this Report be accepted, and that the Inhabitants of the Precinct above-mentioned, do with all convenient Speed erect a House for the publick Worship of God accordingly, first having obtained a legal Deed of Conveyance of a sufficiency of Land therefor.

Sent down for Concurrence. Read and Concurred.

The Petition of *John Green*, praying as entred the 24th Instant, Read again, and (the previous Question being put, *Whether the Petitioner should serve the adverse Party with a Copy of the Petition*, and it pass'd in the Negative) *Ordered*, That the Petition be dismissed.

The Order of Council of Yesterday, for appointing a Committee to prepare the Draught of a Bill for referring the Matters in Difference between this Govern-

ment and that of *Rhode-Island*, respecting the Gore of Land, Read again, and *Ordered*, That Mr. *Cooke*, Mr. *Welles* and Col. *Church*, be join'd in the Affair.

A Petition of *David Butler* and others, Inhabitants of a Place on *Martha's Vineyard* in *Dukes County*, commonly called, *Chukemoo*, in the Township of *Chilmark*, praying, that the whole of the said Place may be annexed to *Tisbury*, for Reasons mentioned.

Then the House Adjourned till Three a Clock Afternoon. [42]

Post Meridiem.

A Petition sign'd *Philip Bongarden*, in the Name and behalf of sundry poor distressed *Palatines*, now at *Martha's Vineyard*, within this Province, setting forth, That they were lately brought into said *Martha's Vineyard* from *Rotterdam*, in the Ship *Loving Unity*, *Jacob Lobb* Commander, with whom they entred into a written Agreement at *Rotterdam* aforesaid, for their Passage from thence to *Philadelphia* (a Copy of which said Agreement was therewith exhibited, translated into *English*) That the said Captain had in a most barbarous manner dealt with the Petitioners in their Voyage; praying, that the Court would Order, that the said Capt. *Lobb* may be obliged to answer for the Injuries, Wrongs and Abuses by him done and offered as therein mentioned; as also, that he may be obliged to comply with his Contract, for the transporting the Petitioners and their Goods to *Philadelphia*, and that they may meet with such other Relief as shall be agreeable to Justice. (Brought down this Afternoon by *Ebenezer Burrel* Esq;) Pass'd in Council, viz. In Council, *December 29. 1731*. Read, and *Voted*, That His Excellency be desired to issue out a *Special Warrant* for citing the before mentioned *Jacob Lobb* to appear before the Governour and Council, to answer to the Complaint; and that in the mean time the Goods and Effects of the *Palatines*, brought in the Ship *Loving Unity*, be secured at *Martha's Vineyard*, and the said Ship stopped in one of the Harbours there, till the Order of the Governour and Council thereupon; and that any two of His Majesty's Justices of the Peace in *Dukes County*, be directed to take care that two or three of the principal Persons of the *Palatines*, be sent up to attend the Governour and Council, to support this Complaint; and that they likewise examine some of the Seamen on Oath, upon this Affair, and send up their Examinations to the Secretary.

Sent down for Concurrence.

Read.

Ordered, That the Treasurer of this Province, be and hereby is directed to supply the Select-Men of *Edgartown* with the Sum *Two Hundred Pounds*, the same to be disposed of according to their best Discretion, for the Relief and Comfort of the *Palatines* lately brought into *Martha's Vineyard*: The Treasurer to account therefor, in his next Account of Disbursements.

Sent up for Concurrence.

The *Resolve* of Council for Explanation of an Order of this Court pass'd the last Session, with respect to *Brimfield*, entred the 21st Instant, Read again, and the House passed a Concurrence thereon, with an Amendment, *viz.* Dele the Words, *And if any of the Parents desire that two or more of their Sons should have the said Lots, that then they are impowred to divide the same accordingly.*

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Jobis Die 30. Decembris, A. D. 1731.

A Bill intituled, *An Act for altering the Return of Executions in some of the Counties of this Province, and regulating of Sheriffs in their serving the [43] same: As also for Authorizing Collectors and Constables to require Aid in Distraining the publick Rates or Taxes.* Pass'd in Council, *viz.* In Council, December 24. 1731. Read, 28. Read a second Time. 29. Read a third Time, and passed to be Ingrossed.

Sent down for Concurrence.

Read a first Time, and *Ordered*, That this Bill have a second Reading to Morrow in the Forenoon.

A Petition of the Select-Men of the Town of *Attleborough*, praying the Court would grant such Relief as to the Collecting of the Taxes on the *West* part of their Town, as the Court shall think fit. Read.

A Petition of *John Sweetland* and *John Robbins*, Constables of the Town of *Attleborough*, praying for an Allowance of *Four Pounds Ten Shillings*, for Service done pursuant to an Order of this Court in *June* last. Read.

A Petition of *Henry Jocelyn* of the Town of *Attleborough*, praying for such Relief on the Account mentioned in the Petition, as the Court shall think fit. Read.

A Bill intituled, *An Act in Addition to the several Acts or Laws of this Province, for the Regulation of the Civilized Indians inhabiting this Province, and preventing Oppression and Abuses to them.*

Read a first Time, and the Question put, *Whether the same have a second Reading*, and it pass'd in the Negative.

The Order of Council on the *Palatines* Petition, entred Yesterday, Read again, and after a Debate, the House pass'd a Non-concurrence thereon, and

Ordered, That *William Sherley* Esq; be desired to be of Council to Mr. *Philip Bongarden*, and assist him in seeking Relief for the *Palatines* (in whose behalf he appears) in the legal and customary Way in such Cases.

Sent up for Concurrence.

An Ingrossed Bill intituled, *An Act for making a new Town in the County of Worcester.* Read, and pass'd to be Enacted.

Then the House Adjourned till Three o' Clock Afternoon.

Post Meridiem.

Ordered, That Major *Chandler*, Mr. *Thomas Cushing*, Mr. *Lynde* and Major *Brattle*, be a Committee to carry up the Votes of the House for the Choice of Civil Officers, and assist in sorting and counting the same, with the Votes of the Honourable Board, and Report the several Choices that shall be made.

Ordered, That Mr. *Lynde* go up with a Message to the Honourable Board, to acquaint them, that the House are ready to proceed to the Choice of Civil Officers, and that they propose to begin with the Province Treasurer, Who returned he had delivered the Message, and was informed, that the Board would send down.

John Chandler Esq; brought down from the Honourable Board, a Petition of *Samuel* and *John Banister* of *Marblehead*, Merchants, also a Message to acquaint the House, that the Board was ready to join them in the Choice of Civil Officers, and had prepared their Votes for a Province Treasurer.

Then the said Committee carried up the Votes for a Province Treasurer, and Reported, that *Jeremiah Allen* Esq; was unanimously chosen.

Also the Votes for an Impost Officer, and Reported, That *Daniel Russel* Esq; was unanimously chosen.

And *Ordered*, That the said Committee acquaint the Honourable Board, that the House propose to proceed to the Choice of an Attorney General in the next place; who returned they had delivered the Message.

Jonathan Remington Esq; came down with a Message from the Honourable Board, to acquaint the House, that they were ready to proceed to the Choice of an Attorney General.

Then the Committee carried up the Votes for an Attorney General, and Reported, That *John Read* Esq; was chosen by a great Majority.

But the Committee informing the House, that there was a Mistake in Numbring the Votes, *Ordered*, That they go up with a Message to the Honourable Board, to desire that they would for that Reason, bring in their Votes again for an Attorney General. Who returned they had delivered the Message.

A Message from the Honourable Board, by *John Chandler* Esq; to inform the House, that they had considered of the aforesaid Message, and were of Opinion, that the Attorney General had already been regularly chosen, and thought it unnecessary to do any thing further in that Affair.

Then the said Committee carried up the Votes for Notaries Publick for the Port of *Boston*, and Reported, That Messieurs *Samuel Tyley* and *Benjamin Rolfe* were unanimously chosen.

Then for a Notary Publick for the Port of *Salem*, and Reported, That Mr. *Mitchel Sewall* was unanimously chosen.

Also for a Notary Publick for the Port of *Newbury*, and Reported, That Mr. *Stephen Jaques* was unanimously chosen.

Also for a Notary Publick for the Port of *Plimouth*, and Reported, That Mr. *John Sparhawke* was unanimously chosen.

Also for a Notary Publick for the Port of *Bristol*, and Reported, That *Timothy Fales* Esq; was unanimously chosen.

Also for a Notary Publick for the Port of *Kittery*, and Reported, That Mr. *Charles Frost* was unanimously chosen.

Then the said Committee carried up the Votes for a Truck-Master for the Truck-House on *George's* River, and Reported, That Mr. *John Noyes* was unanimously chosen.

Also for a Truck-Master for the Truck-House at *Richmond*, and Reported, That Mr. *Edward Shove* was chosen by a great Majority. [45]

Also for a Truck-Master for the Truck-House on *Saco* River, and Reported, That Capt. *Thomas Smith* was unanimously chosen.

Also for a Truck-Master for the Truck-House above *Northfield*, and Reported, That Capt. *Joseph Kellog* was unanimously chosen.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 31. Decembris, A. D. 1731.

THE Petition of *Samuel* and *John Banister*, setting forth, That at an Inferiour Court of Common Pleas held at *Ipswich*, on the last *Tuesday* of *March* last, they recovered Judgment by Default against one *John Crafts*, of *Marblehead*, for a certain Sum therein mentioned, from which Judgment the said *Crafts* appealed to the then next Superiour Court, but did not prosecute his said Appeal; whereupon the Petitioners ought to have filed a Complaint at the said Superiour Court, for Affirmation of the Judgment before-mentioned, but (for Reasons mentioned in the Petition) they failed so doing: Praying therefore, that they may be allowed to file their said Complaint at the next Superiour Court in the County aforesaid, and that the Judges may be enabled to give Judgment in the same manner as they might have done at the Court appealed to, or for such other Relief as the Court shall think fit. Pass'd in Council, viz. In Council, *December 30. 1731.* Read, and Ordered, That the Petitioners serve the adverse Party with a Copy of this Petition, that so he may give in his Answer thereto on the sixth of *January* next, if this Court shall be then sitting, if not, on the first *Tuesday* of the next Session.

Sent down for Concurrence.

Read and Concurred.

The Petition of *Timothy Ruggles* and others, entred the 1st of *July* and 17th of *June* last (which was referred for Consideration to this Session) Read again, and the Question put, *Whether the Prayer of the Petition be so far granted, as that*

they may have a Grant made them of a Tract of Land of Eight Miles square, under such Regulations as the Court shall think fit, and it passed in the Negative.

Agreeable to the Order of the Day, the Bill for *altering the Return of Executions, and regulating Sheriffs in their serving the same, and for authorizing Collectors and Constables to require Aid in distraining publick Rates or Taxes,*

Read a second Time, and *Ordered*, That Mr. Cooke, Col. Stoddard and Mr. Shove, be a Committee to consider thereof, and make such Amendments as may be thought proper.

Thomas Palmer Esq; brought down from the Honourable Board, the Order of the 29th Instant for an Allowance to the *Palatines*, pass'd in Council, *viz.* In Council, *December 31. 1731.* Read and concurred, with the Amendment.

Sent down for Concurrence. Read and concurred.

The Bill to *prevent Persons concealing the Small Pox.*

Read a second Time. [46]

Spencer Phips Esq; brought down from the Honourable Board, a Bill Intituled, *An Act for the Authorizing Commissioners to determine the Western Boundary of that part of this Province formerly the Colony of Plimouth, and the Colony of Rhode-Island adjoining.*

Pass'd in Council, *viz.* In Council, *December 31. 1731.* Read a first and second Time, and pass'd to be Ingrossed. Sent down for Concurrence.

Read a first time.

The Petition of *Elijah Danforth, &c.* entred the 24th Instant, Read again, and *Ordered*, That the Committee for Laws prepare the Draught of a Bill for Relief in such Cases as are therein mentioned.

Voted, To come upon the Consideration of the Supply of the Treasury at Three a Clock this Afternoon.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Petition of *Thomas Rowel*, of the *West Parish in Almsbury*, praying this Court to empower the Court of General Sessions of the Peace now held, or next to be holden in the County of *Essex*, to grant him a Licence for to be a Retailer or Innholder in his now Dwelling-House in the said Parish.

Read, and in Answer thereto *Ordered*, That His Majesty's Justices of the General Sessions of the Peace for the County of *Essex*, be and hereby are empowered if they see Cause, at their present or next Session, to grant the Petitioner a Licence to be a Retailer or keep a Tavern in the House he now lives in, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

An Accompt of Charge sign'd *John Chandler Jun.* for laying out a Tract of

Land of 352 Acres, (Petition'd for by *Jonathan Draper*) by Order of this House, in *March* last, amounting to *Five Pounds*.

Read, and *Ordered*, That the same be allowed, and that the Sum of *Five Pounds* be paid out of the publick Treasury to the Accomptant, by him to be repaid to the Persons to whom the same is due, in full Discharge of this Accompt.

Sent up for Concurrence.

Agreeable to the Order of the Day, the House entred upon the Consideration of the Affair of the Supply of the Treasury, and after a long Debate thereon had, *Ordered*, That the further Consideration of that Affair, be referred till *Tuesday* next, Three a Clock Afternoon, and that the Members then attend.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Sabbati Die 1. Januarij, A. D. 1731.

A Petition of *Joshua Lamb, Timothy Ruggles, Joseph Ruggles, and Ebenezer Pierpoint*, in behalf of themselves and Associates, praying, That [47] a Tract of Land of the Contents of of Six Miles square, adjacent to the River called *Nenemeseck*, now *Ware River*, may be granted them for a Township, in such Form as the Land will admit of, and under such Regulations as to the Time and Manner of settling the same, as the Court shall think fit, for Reasons mentioned. Read, and

Ordered, That *Mr. Shove, Mr. Cushing, and Mr. Samuel Chandler*, be a Committee to consider of such Regulations as may be thought proper, and Report as soon as may be.

Ordered, That *Mr. Cooke, Col. Stoddard and Mr. Welles*, with such as shall be join'd by the Honourable Board, be a Committee to consider what may be proper to be done respecting the *French Incroachments on Crown-Point*, and Report.

Sent up for Concurrence.

Then the House Adjourned till *Monday* next, Three o' Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 3. Januarij, A. D. 1731.

THE House Met, and adjourned till to Morrow Morning Ten o' Clock.

Martis Die 4. Januarij, A. D. 1731.

A Petition of *Josiah Leonard* & others, Inhabitants of the Town of *Springfield*, living on the *Southerly* side of the River called *Agawam River*, praying, That one half of their Proportion to the Minister's Rate in the Precinct on the *West* side of *Connecticut* River may be remitted to them, for Reasons mentioned. Read, and *Ordered*, That the Petitioners serve the *West* Precinct in *Springfield* with a Copy of this Petition, that so they may shew Cause, if any they heve, on the second *Thursday* of the next *May* Session, why the Prayer thereof may not be granted.

Sent up for Concurrence.

A Petition of *Samuel Barker* of *Falmouth*, in the County of *Barnstable*, Ferryman, praying, that there may be a settled Ferry at the place where he now lives, and a convenient way for Travellers and Passengers to the same, from the main Country Road, or that he may be otherwise relieved as the Court shall think fit, for Reasons mentioned.

Read.

A Plan of Five Hundred Acres of Land granted to *Samuel Partridge* Esq; in *November* 1725. presented for Confirmation. Read, and *Ordered*, That the Land within delineated and described, be and hereby is confirmed unto the said *Samuel Partridge*, his Heirs and Assigns for ever; provided the same do not exceed the Quantity of Five Hundred Acres, nor interfere with any other or former Grant. Sent up for Concurrence. [50]

A Petition of *Elizabeth Carter* of *Portsmouth*, in the Colony of *Rhode-Island*, a Sister of *Thomas Carter*, late of *Rehoboth* in the County of *Bristol*, and Executrix of the last Will and Testament of the said deceased, praying, That she may be impowered, in her said Capacity, to sell the whole of the said deceased's Real Estate, for the Purposes mentioned in the Petition, agreeable to the Rules and Directions in the Law of this Province, in case of Executors and Administrators obtaining Licence to sell Land from the Superior Court, or that she may be otherwise relieved as the Court shall think fit.

Read, and *Ordered*, That the Prayer of the Petition be granted, and that the Petitioner be and hereby is impowered in her said Capacity, to make sale of the whole of the said deceased's Real Estate, she attending the Law of this Province, empowering Executors or Administrators to sell Land, and other Real Estate, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

A Bill intituled, *An Act in Addition to, and Explanation of, a Clause in an Act, intituled, An Act for hearing and determining of Cases in Equity*, made and passed in the Tenth Year of the Reign of His late Majesty King *William the Third*.

Read a first Time.

The Bill for the *Authorizing Commissioners to determine the Western Boundary of that part of this Province formerly the Colony of Plimouth, and the Colony of Rhode-Island adjoining*.

Read a second Time.

John Osburn Esq; brought down from the Honourable Board, a Report of a Committee of this Court, appointed the 9th of *October* last, to consider of the Petition of *Samuel Haward* and others, referring to the stoppage of the Course of the Fish up *Ipswich River*. Pass'd in Council, *viz.* In Council, *December 31. 1731*. Read and not accepted.

Sent down for Concurrence.

Read.

A Petition of *Stephen Pearson* and *Samuel Northend*, of the Town of *Rowley*, praying, That they and their Estates may remain to the first Parish in *Rowley*, notwithstanding the late Order of this Court, for their being set to *Byfield* Parish. Read.

Ordered, That *Mr. Welles* be added to the Committee appointed the 1st Instant, to consider of the Petition of *Joshua Lamb* and others.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Petition of *Samuel Barker*, entred this Morning, Read again, and *Ordered*, That *Mr. Bisby*, *Capt. Alden*, *Mr. Shove*, *Mr. Smith* and *Capt. Knowles*, be a Committee to consider thereof, and Report what may be proper to be done thereon.

Agreeable to the Order of the Day, the House proceeded to the further Consideration of the Affair of the Supply of the Treasury, and after a long [51] Debate thereon, the Question was put, *Whether the House will at this Time have any further Consideration of that Affair*, and it passed in the Negative.

Upon a Motion made and seconded, *Ordered*, That Mr. *Welles*, Mr. *Choat*, Mr. *Shove*, Capt. *Goddard*, Mr. *Bisby*, Mr. *Bradford* and Mr. *Hobson*, be a Committee to prepare the Draught of some proper Remonstrance to His Excellency the Governour, setting forth the Resolution of the House, and the Reasons of their Conduct relating to the Supply of the Treasury.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Mercurij Die 5. Januarij, A. D. 1731.

MR. *Cooke* from the Committee appointed the 21st of *December* last, to inquire into the Treatment of the Prisoners in His Majesty's Goal in *Boston*, Reported, That they had repaired thereto, and enquired of the several Persons Prisoners for Debt, as to the Usage and Treatment they received from the Keeper, some few of whom informed them of Hardships they had undergone during their Confinement. The Day after, the aforesaid Prisoners desired to speak with the Committee, and upon going there, they then all declared, that fear of being ill treated by the Keeper, intimidated them, and kept back what otherwise they should have made known, respecting the harsh Usage they have from Time to Time undergone since their being imprisoned; and affirmed, that at sundry times when Victuals had been sent by the Relations and others to the Goal, the Keeper or some of his Family forbid and prevented these persons from receiving it for whom it was designed. That they were also informed by sundry Persons, who had occasionally been at the Prison, that when Provisions were sent for the Prisoners by their Friends, they were not allowed to be distributed; and sometimes the Persons bringing Relief were very much abused. The Committee also observe to the House, that in their Opinion the Goal is not in the least measure accommodated to receive and lodge Prisoners for Debt, and that it seems Severity to confine even Criminals there, without some other Provision to keep them from the Hardships of the Season.

Read, and

Ordered, That the same Committee prepare some proper Method for Redress in the Case before-mentioned.

Also that they prepare the Draught of a Bill in Addition to the Act for regulating Prisons, and that Mr. Speaker be added to the Committee.

Ordered, That Capt. *Alden* go up with a Message to the Honourable Board, to desire that they would send down the Bill pass'd the last Session, for emitting *l.* 50 000 in Bills of Credit on this Province, to be redeemed by *Silver* and *Gold*. Who returned he had delivered the Message.

Ebenezer Burrel Esq; brought down the said Bill.

Then the House Adjourned till Three o' Clock Afternoon. [52]

Post Meridiem.

The Bill in Addition to and for Explanation of a Clause in the Act for hearing and determining of Cases in Equity, Read a second Time.

A Petition of *James Darling* of *Marblehead*, in the County of *Essex*, Shoreman, praying, That *Mary Cruff*, Relict of *William Cruff*, who some time in *February* 1729. went on a Fishing Voyage from the place aforesaid, with one *Nicholas Waltham* and others, and has never been seen since the 24th of *March* following, might be declared single, and that he might have leave to marry her. Read, and

Ordered, That the Prayer of the Petition be so far granted, as that the said *Mary Cruff* be and hereby is declared to be a single Woman, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Mr. Secretary brought down a List of the Civil Officers chosen by both Houses the 30th of *December* last, subscribed by His Excellency as follows, viz.

January 4. 1731. *I consent to the Election of the Officers above-mentioned, except John Read Esq; for Attorney General, there being an Attorney General appointed by the Governour and Council, agreeable to the Directions of the Royal Charter, and His Majesty's Instruction to His Governour in that behalf.*

J. BELCHER.

A Petition of *John Cutting* and others, Inhabitants of *Watertown* and *Weston*, praying the Court would grant to them and their Associates, a Tract of unappropriated Land of the Contents of Five Thousand two Hundred Acres, lying between *Lancaster* new Grant, and the *East* Line of *Rutland*, and that the same, together with three or four Farms, containing about 800 Acres, and the *East* Wing of *Rutland*, together with a Tract of Land formerly granted the Petitioners by this Court, may be erected into a Township, to be settled in such Manner and under such Regulations as the Court shall think fit; and that they may have leave (at their own Charge) to take a Plat of said Lands, by a Surveyor and Chain-Men under Oath, and lay the same before this Court at their Session in *May* next for Confirmation, for Reasons mentioned. Read.

An Accompt of the Commissioners for letting out the *l.* 100,000 Loan for the County of *Middlesex*, from the 13th of *February* 1729. to the 13th of *February* following. Read.

An Accompt of the Commissioners for letting out the *l.* 100,000 Loan for the County of *Barnstable*, from the 13th of *February* 1729. to the 13th of *February* following. Read, and

Ordered, That Mr. Welles, Mr. Lynde, Mr. Thomas Cushing, Major Brattle, Mr. Hale, Mr. Lemmon and Mr. Treasurer Allen, be a Committee to examine the Accompts of the Commissioners of the several Counties within this Province, for letting out the *l.* 100,000 Loan.

Then the House Adjourned till to Morrow Morning Ten o' Clock. [53]

Jobis Die 6. Januarij, A. D. 1731.

O*rdere*d, That Capt. Fowle and Capt. Foster be added to the Committee appointed the 17th of *December* last, to examine the Accompt of *John Savel*, &c. and that the said Committee Report as soon as may be.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Mr. Cooke from the Committee appointed Yesterday, to project a Method for Redress of the Prisoners in His Majesty's Goal in *Boston*, Reported,

Read, and not accepted, and the House came into the following Order, *viz.*

Whereas Zachariah Trescot, Keeper of His Majesty's Goal in *Boston*, within the County of *Suffolk*, by his ill Treatment of the Prisoners under his Custody, has rendered himself unfit for that Trust:

Ordered, That it be and hereby is Recommended to the Sheriff of the said County, to remove the said Trescot from his said Trust; and that he from Time to Time take effectual Care, that such Persons as may be committed to his Custody, be in no respect misused or ill treated by the Keeper, or any under him.

And whereas the present House is not sufficient for the receiving and lodging Prisoners for Debt, separate from Felons and other Criminals;

Ordered, That it be Recommended to the Justices of the General Sessions of the Peace for the County aforesaid, that Care be taken in due Season, for the making sufficient and convenient Apartments for that Purpose, agreeable to the Law of this Province, made in the Fifth Year of King George the First.

Sent up for Concurrence.

Symonds Epes Esq; brought down from the Honourable Board, the Petition of *James Darling* and *Elizabeth Carter*.

The Petition of *John Cutting* and others, entred Yesterday, Read again, and the Question put, *Whether the Prayer thereof be granted*, and it pass'd in the Negative.

Ordered, That the Petitions of the Select-Men of the Town of *Auleborough*, of *John Sweetland*, &c. and of *Henry Jocelyn*, entred the 30th of *December* last, be committee to the Committee for Petitions.

The Petition of *James Darling*, entred Yesterday, pass'd in Council, *viz.* In

Council, *January 5. 1731.* Read and concurred, with the Amendment at *A. viz. And have Liberty to Marry accordingly.*

Sent down for Concurrence.

Elisha Cooke Esq; from the Committee for Petitions, Reported on the Petition of *Thomas Dutson*, entred the 24th of *December* last, Read, accepted, and in Answer thereto *Ordered*, That the Petitioner be and hereby is impowered by a Surveyor and Chain-Men under Oath, to lay out Two Hundred Acres of the unappropriated Land within this Province, and return a Plat thereof to this Court within Twelve Months for Confirmation.

Sent up for Concurrence. [54]

On the Petition of *Samuel Chandler* and others, entred the 7th and 3d of *December* last, Read, accepted, and *Ordered*, That the Consideration of this Petition be referred to the Session of this Court in *May* next.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 7. Januarij, A. D. 1731.

A Petition of *Stephen* and *Jemima David*, of *Middleborough*, in the County of *Plimouth, Indians*, praying, That they may have leave to sell Two pieces of their Land for Reasons and Purposes within-mentioned.

Read, and *Ordered*, That the Prayer of the Petition be granted, and that the Petitioners (upon publick Notice thereof being given Ten Days before hand) be and hereby are impowered to sell to the highest Bidder, the said two pieces of Land, the produce thereof to be applied and disposed of for the Purposes within-mentioned; and that Mr. *Samuel Barrow*, with such as shall be join'd by the Honourable Board, be and hereby are desired and impowered to assist the Petitioners, and see Justice done them; and in case any Overplus remain, to dispose thereof for the Comfort of the Petitioners.

Sent up for Concurrence.

A Petition of *Stephen Greenleaf* of *Newbury*, praying the Grant of a Tract of Land, as a Recompence for his Services within-mentioned. Read, and in Answer thereto, *Ordered*, That the Petitioner be and hereby is impowered by a Surveyor and Chain-Men under Oath, to lay out Two Hundred Acres of Land in some of the unappropriated Land within this Province, so as not to prejudice the laying out any Township, and return a Plat thereof to this Court for Confirmation within Twelve Months.

Sent up for Concurrence.

The Petition of *Stephen Pearson* and *Samuel Northend*, entred the 4th Instant, Read again, and the Question put, *Whether the Prayer of the Petition be granted*, and it pass'd in the Negative.

A Bill intituled, *An Act for the making and emitting the Sum of Fifty Thou-*

sand Pounds in *Bills of Credit of this Province, to be redeemed by Silver and Gold.* Read a First Time.

The Bill in Addition to and Explanation of a Clause in the Act for hearing and determining Cases in Equity. Read a Third Time, and passed to be Ingrossed. Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Petition of *Samuel Lowel* of *Almsbury*, praying this Court would empower the Court of General Sessions of the Peace in the County of *Essex*, at their Adjournment in this present Month, to grant a Licence to him to be a Retailer of Strong Drink in the House he now lives in, the remaining part of this Year. Read, and in Answer thereto, *Ordered*, That His Ma-[55]jesty's Justices of the General Sessions of the Peace for the said County, be and hereby are empowered at their present Session, if they see cause, to grant the Petitioner a Licence to sell Strong Drink by Retail, at the House he now lives in, any Law, Usage or Custom to the contrary notwithstanding.

A Petition of *Jonathan Loring* and others, Proprietors of Land on *Sheepscot* River, praying the Court's Consideration of their Circumstances, and to afford them such Relief as they shall think fit, so as that they may peaceably and quietly enjoy and improve the Land within mentioned, without the unjust Molestation or Hinderance of Col. *Dunbar*, or any pretending Power or Authority under him.

Read, and committed to the Committee for Petitions.

Elisha Cooke Esq; from the Committee appointed to examine the Accompt of *John Savel*, &c. Reported, Read, and not accepted, and *Ordered*, That Mr. *Shove*, Major *Epes*, Mr. *Hill* and Mr. *Thatcher*, be a Committee further to consider the said Accompt, and Report.

A Petition of *James Dorchester* and others, Inhabitants of a Tract of Land lying between the Towns of *Springfield*, *Brookfield*, *Brimfield*, and the Lands called, *Equivalent Lands*, in the County of *Hampshire*, whose Names are thereunto subscribed, praying the Court to grant them the Tract of Land within-mentioned, and endow them with the Privileges that such places have, that so they may be in a Capacity to erect a place for the publick Worship of God, or that such Measures may be taken for their Relief, as the Court shall think fit.

Read.

A Petition sign'd *John Giles*, for himself and *Anne* his Wife, and as Attorney to *Elizabeth Andrews*, Spinster, *John Colham* and *Mary* his Wife, of *Salem*, and *Sarah Earle* of *Boston*, Widow, which said *Elizabeth*, *Mary* and *Sarah*, are the

only surviving Heirs at Law of *John Andrews*, heretofore of said *Salem*, Carpenter, deceased, praying; That the Justices of the Superiour Court of Judicature at their Session at *Ipswich* in *May* next, may be Authorized and Impowered to hear them on a Case therein-mentioned, and enter up Judgment thereon, agreeable to a Verdict within-mentioned, they giving timely Notice thereof to the Heirs, Executors or Administrators of *John Lewis*, that so they may then be likewise heard before the said Court, to shew Cause, if any they have, why Judgment should not be entred accordingly, and Execution awarded agreeable thereunto, or otherwise that they may be admitted to have a Trial through the Course of the *Common Law*, as in ordinary Cases, in order to make out their Right to an House and Land within-mentioned, sued for by the afore-said *John Andrews*, in the same Manner as if no Proceeding had ever been made thereon, or that they may be otherwise relieved in the Premises, as the Court shall think fit.

Read.

Mr. *Bisby* from the Committee appointed the 4th Instant, to consider of the Petition of *James Barker*, Reported, Read, accepted, and *Ordered*, That the Prayer of the Petition be so far granted, as that a Ferry be kept at the place proposed by the Petitioner, and that it be recommended to [56] His Majesty's Justices of the General Sessions of the Peace for the County of *Barnstable*, to take due care that a suitable Way be laid out to the same.

Sent up for Concurrence.

The Bill intituled, *An Act, in further Addition to an Act, intituled*, An Act for the Relief of Idiots and distracted Persons, made and passed in the Sixth Year of the Reign of King *William* and Queen *Mary*.

Read a Third Time, and passed to be Ingrossed.

Sent up for Concurrence.

A Message from the Honourable Board by *Spencer Phips* Esq; to know whether the House had passed on the Bill for appointing Commissioners to determine the *Western* Boundary of that part of this Province formerly the Colony of *Plimouth*, and the Colony of *Rhode-Island*.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Sabbati Die 8. Januarij, A. D. 1731.

The Bill for the *Authorizing Commissioners to determine the Western Boundary of that part of this Province formerly the Colony of Plimouth, and the Colony of Rhode-Island adjoining*.

Read a Third Time, and passed to be Ingrossed.

Sent up for Concurrence.

A Bill intituled, *An Act for repealing an Act intituled, An Act appointing the Sheriff to have the Keeping of the Common Goal, and the Prisoners therein, made and passed in the Eleventh Year of the Reign of His late Majesty King William the Third, and for making other Provision instead thereof, the more effectually to prevent Escapes.*

Read a first Time.

Then the House Adjourned till *Tuesday* next, Ten o' Clock in the Forenoon.

B O S T O N : Printed by **Thomas Fleet**,
Printer to the Honourable House of Representatives. 1731. [57]

VOTES

Of the House of Representatives.

Artis Die 11. Januarij, A. D. 1731.

A Bill intituled, *An Act in Addition to an Act intitled*, An Act for the Regulation of the Decrees and other Proceedings of the several Judges of Probate in the respective Counties of this Province, and of Appeals therefrom. Read a First Time.

Upon a Motion made and seconded, *Ordered*, That Mr. Cooke, Mr. Lynde and Mr. Welles, be a Committee to consider what may be proper to be done, to prevent Persons taking higher or greater Fees than have been usual.

Mr. Cooke from the Committee for Petitions, Reported on the Petition of *Jonathan Loring* and others, Proprietors of Land on *Sheepscot* River, entred the 7th Instant, Read and accepted, and the House came into the following Order, *viz.*

Whereas the Lands mentioned in the Petition, together with those adjacent, are comprehended in the Grant made to the Inhabitants of this Province, in and by the *Royal Charter*, and the Protection and Preservation of the Inhabitants settled in those parts, is under the Care and Jurisdiction of this His Majesty's Government of the *Massachusetts-Bay*;

Ordered, That Mr. Cooke, Col. Stoddard, Mr. Lynde, Mr. Welles and Mr. Shove, with such as shall be join'd by the Honourable Board, be a Committee to prepare a Draught of an Address to His Majesty, in Support and Defence of the Jurisdiction this Government hath to the Lands *Eastward* of *Kennebeck* River, seasonably to prevent any Infraction on the *Charter*, and that His Majesty's good Subjects may not, under pretence of Power and Authority from the Crown, be interrupted, and their very Lives threatened, for prosecuting their just and lawful Affairs and Business, whereby the regular Settlements intended in that part of this Province, are hindred and put by, to the great Disservice of His Majesty's Interest.

Sent up for Concurrence. [58]

The Petition of *Elizabeth Carter*, entred the 4th Instant, Pass'd in Council, *viz.* In Council, *January 4. 1731.* Read and concurred, with the Amendment at *A. viz. And giving sufficient Security to the Judge of Probate in the County of Bristol to Account therefor, and that the Overplus, if any there be, after her decease, be return'd to the Heirs of her Brother Thomas Carter deceased.* Read and concurred.

The Petition of *Samuel* and *John Banister*, entred the 30th of *December* last, (brought down this Morning by *Joseph Wadsworth Esq;*) pass'd in Council,

viz. In Council, *January 11. 1731.* Read again, and it appearing that the adverse Party has been duly served with a Copy of this Petition,

Ordered, That the Petitioners have Liberty to file their Complaint within-mentioned, against *John Crafts*, at the next Superiour Court of Judicature to be holden in and for the County of *Essex*, in order to their obtaining a Confirmation of the Judgment of the Inferiour Court of Common Pleas for the said County, within referred to; and the Justices of the said Superiour Court, are directed and impowered to proceed on the said Complaint accordingly; the Petitioners to notify the said *John Crafts* of this Order, at least Fourteen Days before the sitting of the said Court. Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read and Concurred.

A Petition of *Zachariah Trescot*, Keeper of His Majesty's Goal in *Boston*, in the County of *Suffolk*, praying the Court's Clemency and Compassion towards him, and that they would be pleased to overlook those his Faults and Misdemeanours for which he has been lately complained of to them; and that the House would supersede their Order of the 6th Instant for Removing him from his said Trust, for Reasons mentioned. Read, and after a considerable Debate, the Question was put, *Whether the Prayer of the Petition should be granted*, and it passed in the Negative.

Then the House Adjourned till Three o' Clock Afternoon.

Post Meridiem.

A Petition of *John Allen* of *Chilmark*, in *Dukes County*, Esq; praying, That he may be enabled at the next Inferiour Court of Common Pleas for the County of *Suffolk*, to bring forward a Writ of Review of an Action brought and recovered against him by one *Philip Jones*, at an Inferiour Court of Common Pleas held at *Boston* for the County aforesaid, on the first *Tuesday* in *January 1729.* for Reasons mentioned.

Read, and *Ordered*, That the Petitioner serve the adverse Party with a Copy of the Petition, that so he may shew Cause, if any he have, on *Friday* the Fourteenth Instant, why the Prayer thereof may not be granted.

Sent up for Concurrence.

The Report of a Committee of both Houses, appointed the 10th of *December* last, to consider of the Memorial of *Roger Price*, Clerk, and Commissary of the Episcopal Churches in *New-England*, pass'd in Council, *viz.* In Council, *January 6. 1731.* Read, and *Ordered*, That this Report be accepted. Sent down for Concurrence.

Read, and after a considerable Debate, the Question was put, *Whether [59] the House would concur the Honourable Board in their Vote for Acceptance of the said Report*, and it passed in the Negative.

Ordered, That the Bill intituled, *An Act for the making and emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province, to be redeemed by Silver and Gold*, have a second Reading to Morrow at Ten o' Clock in the Forenoon.

The Bill for repealing the Act appointing the Sheriff to have the keeping of the common Goal, and the Prisoners therein, *made and passed in the Eleventh Year of the Reign of His late Majesty King William the Third, and for making other Provision instead thereof, the more effectually to prevent Escapes.* Read a Second Time.

Spencer Phips Esq; brought down the Bill in Addition to and Explanation of a Clause in the Act for hearing and determining Cases in Equity.

A Petition of *Benjamin Eaton of Kingston* in the County of *Plimouth*, Administrator of the Estate of *Benjamin Briant*, late of *Plimpton* in the said County, deceased, and Guardian of the said deceased's Children, praying, That he may be authorized and impowered to make sale of the whole of the Homestead and Real Estate of the said deceased, for payment of his Debts, and make and execute Deeds accordingly, the Overplus to be improved for the Children, and settled on them according to Law, for Reasons mentioned.

Read, and *Ordered*, That the Prayer of the Petition be granted, and that the Petitioner be and hereby is fully authorized and impowered, in his said Capacity, to make Sale of the whole of the Real Estate within-mentioned, and to execute in due Form of Law, a Deed or Deeds for the Conveyance thereof, to any Person or Persons that will bid most for the same, he attending the Rules and Directions of the Law of this Province empowering Executors or Administrators to sell Land and other Real Estate, and giving Bond to the Judge of Probate for the County of *Plimouth*, to Account for the Produce of the Premises, and to dispose thereof for the Payment of the just Debts of the said deceased; and the Overplus to his Children, agreeable to the Law of this Province for the Settlement and Distribution of the Estates of Intestates, any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurij Die 12. Januarij, A. D. 1731.

MR. *Cooke* from the Committee for Petitions, Reported on the Petition of *Joseph Newel*, entred the 10th of *December* last, Read, accepted, and

Ordered, That the Sum of *Eighteen Pounds Twelve Shillings*, be allowed and paid out of the publick Treasury to the Petitioner, in Consideration of [60] what he expended during his Confinement in *Providence Goal*, and for his Time and Loss in his Husbandry Affairs, and other Business.

Sent up for Concurrence.

On the Petition of *Joseph Sweetland* and *John Robbins*, entred the 30th of *December* last, Read and not accepted, and the Question put, *Whether the Prayer of the Petition be granted*, and it passed in the Negative.

On the Petition of the Select-Men of *Attleborough*, entred the 30th of *December* last, Read, accepted, and forasmuch as the Laws of this Government fully empower Towns to assess and collect their publick Taxes,

Ordered, That this Petition be dismissed.

Mr. *Shove* from the Committee appointed the 7th Instant, further to consider of the Accompt of *John Savel* entred the 17th of *December* last, Reported, Read, accepted, and *Ordered*, That the several Persons therein named, pay unto the Accomptant, their several Proportions as therein mentioned.

Agreeable to the Order of the Day, the Bill for making and emitting the Sum of *Fifty Thousand Pounds* in Bills of Credit on this Province, to be redeemed by *Silver and Gold*, had a second Reading.

A Petition of *Daniel Bagg* of *Westfield*, in the County of *Hampshire*, praying, That he may have liberty, at the next Inferiour Court of Common Pleas for the said County, to review an Action brought and recovered against him at an Inferiour Court held at *Springfield* in the County aforesaid, on the last *Tuesday* of *August* last, by one *Mary Williams* of *Westfield* aforesaid, and that Execution may be stayed in the mean time, for Reasons mentioned. Read, and *Ordered*, That the Petitioner serve the adverse Party with a Copy of the Petition, that so she may shew Cause (if any she hath) on the second *Tuesday* of the next Session, why the Prayer thereof may not be granted, and that Execution of the Judgment within-mentioned, be stayed in the mean time.

Sent up for Concurrence.

A Bill intitled, *An Act for the Payment of the Members of His Majesty's Council, and House of Representatives serving in General Court.*

Read a first Time.

An Ingrossed Bill intitled, *An Act for Authorizing Commissioners to determine the Western Boundary of that part of this Province formerly the Colony of Plimouth, and the Colony of Rhode-Island adjoining.*

Read, and passed to be Enacted.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

A Petition of *Christopher Toppan* of *Newbury*, in the County of *Essex*, setting forth, That Col. *Dunbar*, under a pretence of an Order from the Crown, has settled a considerable Number of Families upon some Lands which the Petitioner has at the *Eastward*, and disposed of the same to Strangers; [61] praying, That inasmuch as the said Lands are within the Jurisdiction of this

Government, the Court would afford him such Relief as they shall think fit, for Reasons mentioned.

Also a Petition and Memorial of *Habijah Savage* and others, Proprietors of a Tract of Land commonly called *Pemaquid*, lying in the *Eastern* parts of this Province, setting forth, That though they have lately endeavoured to re-settle the said Lands, and diverse Persons have offered to go upon the same, for that purpose, yet they have been discouraged and affrighted by Col. *David Dunbar*, who without any colour of Right or Title to the said Lands, hath lately entred upon and granted away the same to utter Strangers, thereby stripping and depriving the Petitioners of their just Right to and Improvement thereof, and still continues by Force and Arms to hold them out of the Possession of it; praying therefore for Relief in the Premises, and that the Court would take such effectual Methods in the said Affair, as that they may be restored to the possession of their Lands, and hold and enjoy the same, without the Molestation or Disturbance of the said *David Dunbar*.

Read, and *Ordered*, That the foregoing Petitions be committed to the Committee appointed the 11th Instant, to prepare the Draught of an Address to His Majesty, in Support and Defence of the Jurisdiction of this Government to the Lands *Eastward* of *Kennebeck* River, the said Committee to Report as soon as may be.

Sent up for Concurrence.

The Bill *in Addition to, and for Explanation of, a Clause in the Act for hearing and determining Cases in Equity*, pass'd in Council, *viz.* In Council, *January 7. 1731.* Read, 11. Read a Second Time, and pass'd a Concurrence, with the Amendments.

Sent down for Concurrence.

Read and Concurred.

A Petition of *Barnabas Winslow* and others, Proprietors or Settlers of the Town of *North-Yarmouth* in *Casco-Bay*, praying, That their Land may be confirmed to them, and that they may have the Bounds of their Town established as follows, *viz.* Beginning at a white Rock by the Bay side, which is the Bounds between *Falmouth* and *North-Yarmouth*, and thence adjoining on *Falmouth North-West* to the Woods, as far as to make an even Head Line with *Falmouth*, and from the said white Rock by the Bay side, *North-Easterly* to a certain River known by the Name of *Bungomongonug*, and from the Mouth of said River, to run *North-West* into the Woods until it meet with a parallel Line with *Falmouth* Head Line, and from the above-said white Rock and the Mouth of the said River, to run a *South-East* Course in the main Sea, which are the old reputed Bounds of the said Town; and that they may be incorporated into a Town, and vested with the Powers and Privileges of other Towns. Accompanied with a Petition of *Rowland Houghton* and others, Pro-

prietors of the said Town, residing in *Boston*, praying the Court would take the said Petition into Consideration, for Reasons mentioned.

Also a Petition of *John Powel* and others, for themselves and in behalf of other Non-Resident Proprietors and Owners of Lots of Land in the [62] Township of *North-Yarmouth* aforesaid, praying, That if the Bounds of the said Town are not fully settled, the Court would establish and confirm the same, according to the ancient reputed Bounds thereof, beginning at a white Rock by the Bay side, which is the Bounds between *Falmouth* and *Yarmouth*, and from thence to run *North-Easterly* to the *South-West* side of a River called *Bungomungonug*, and from the said River's Mouth and white Rock, to run into the Wilderness *North-West* eight Miles, and to run *South-East* into the Sea, including the Islands; and that Orders may be given, that the common and undivided Land throughout the said Township, may without Delay be divided among the Proprietors: That the Sub-Committee at *North-Yarmouth*, appointed for building the Meeting-House, &c. and also the several Collectors appointed for receiving the Taxes, may all of them be compelled to give in fair and just Accompts to such Persons as the Court shall appoint to receive and settle the same; and that the Grievances mentioned in their Petition may be redressed, and that then the said *North-Yarmouth* may be set off to act as a Town, with the same Powers and Privileges as other Towns, for Reasons mentioned.

Read, and *Ordered*, That the Committee appointed to settle the before-mentioned Town, be and hereby are direct to prepare an Account of their Proceedings in that Affair, and lay the same before this Court on *Tuesday* next, if then sitting, if not, on the second *Tuesday* of the next Session.

Sent up for Concurrence.

The Bill in Addition to the Act for the Regulation of the Decrees and other Proceedings of the Judges of Probate in the respective Counties of this Province, and Appeals therefrom. Read a Second Time.

The Report of the Committee appointed to consider of the Petition of *Samuel Howard*, entred the 4th Instant, and the Vote of Council thereon Read again, and the House non-concurred the Vote of the Honourable Board, and *Ordered*, That the said Report be accepted, with the Amendment.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Jobis Die 13. Januarij, A. D. 1731.

MR. *Shove* from the Committee appointed to consider of the Petition of *Joshua Lamb* and others, entred the first Instant, Reported, Read and accepted with Amendments, and

Ordered, That there be and hereby is granted to the Petitioners and their Associates, a Tract of Land of the Contents of six Miles square for a Township, at the place petitioned for, to be laid out in a regular Form, by a Surveyor and Chain-Men under Oath, a Plan thereof to be presented to this Court at their Session in *May* next for Confirmation; the said Land by them to be settled on the Conditions following, *viz.* That they within the Space of Years, settle and have on the Spot Sixty Families, (the Settlers to be such as are Natives of *New-England*) each Settler to build a good and convenient Dwelling-House of one Story [63] high, eighteen Feet square at the least, and clear and bring to four Acres fit for Improvement, and three Acres more well stock'd with *English* Grass, and also lay out three Shares throughout the Town, each Share to be one sixty third part of the said Tract, one Share for the first settled Minister, one for the Ministry, and the other for the School; and also to build a convenient Meeting-House, and settle a learned and Orthodox Minister within the Term aforesaid.

Then the House Adjourned till Three o' Clock Afternoon.

Post Meridiem.

Upon a Motion made, *Ordered*, That the following *Vote* be sent up to the Honourable Board, *viz.*

Whereas there is a Committee of both Houses appointed to prepare the Draught of an Address to His Majesty, relating to the Lands of this Province lying to the Eastward of Kennebeck River, this House being informed that His Excellency the Governour hath received an Order from His Majesty in Council respecting those Lands;

Voted, That His Excellency be desired to communicate to this House, such Order, if He think it adviseable.

Sent up for Concurrence.

The Bill to prevent Persons concealing the Small Pox, Read a Third Time, and passed to be Ingrossed.

Sent up for Concurrence.

The Bill for repealing an Act intituled, *An Act appointing the Sheriff to have the Keeping of the Common Goal, and the Prisoners therein*, made and passed in the Eleventh Year of the Reign of His late Majesty King *William* the Third, and for making other Provision instead thereof, the more effectually to prevent Escapes. Read a Third Time, and passed to be Ingrossed.

Sent up for Concurrence.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Veneris Die 14. Januarij, A. D. 1731.

A Petition of *Joseph Bartlet* and *Samuel Whitemore*, two of the Proprietors of a certain Tract of Land lying on *Sheepscot* River, in the *Eastern* parts of this Province, in behalf of themselves and the rest of the Proprietors of the said Tract of Land, praying, That (since the said Lands fall within the Jurisdiction of this Government) this Court would interpose and relieve them under the Difficulties they meet with from *Col. Dunbar*, and take such Measures as that they may be enabled quietly and peaceably to re-settle the said Lands, and improve the same without Disturbance from the said *Dunbar*, or any pretending Right or Authority under him, for Reasons mentioned.

Read, and committed to the Committee to prepare a Draught of an Address to His Majesty respecting the Lands at the *Eastward*.

Sent up for Concurrence. [64]

The following Proposal was offered, *viz. Whether the emitting the Sum of Three Hundred Thousand Pounds in Bills of Credit, to be put into the Hands of a Committee to be appointed by this Court, to be let out on good Security, the Borrowers to pay in the same at Twenty Annual Payments in Silver at Eight Shillings per Ounce, or in Gold in Proportion, will not serve to relieve the Inhabitants of this Province out of their present Distresses, and gradually restore the Credit of the publick Bills, as they have gradually fell, and inable the Country to draw in the Bills which are now extant, in order to be burnt at the several Periods they ought to be brought in at; so that at the end of Twenty Years, there may be in the Treasury Silver and Gold to Redeem and draw in the Bills which will be then extant, and the Country brought into the same State they were in before the making of any Bills, as to a Medium of Exchange?*

Read, and after considerable Debate thereon, the Question was put, *Whether the House would have any further Consideration of said Proposal at this Time*, and it pass'd in the Negative.

The Bill *For making and emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province, to be redeemed by Silver and Gold*, Read a Third Time, and pass'd to be Ingross'd.

Sent up for Concurrence.

Benjamin Lynde Esq; brought down from the Honourable Board, a Report of a Committee appointed the first Instant, to consider of the Affair of *Crown-Point*.

The Bill *in Addition to the Act for Regulation of the Decrees and other Proceedings of the Judges of Probate in the respective Counties of this Province, and of Appeals therefrom*. Read a Third Time, and pass'd to be Ingrossed.

Sent up for Concurrence.

Mr. Secretary brought down His Majesty's Order in Council, respecting

the Lands to the *Eastward*, referred to in the Message of last Neght to the Honourable Board, which is as follows, *viz.*

At the Court at St. *James's*, the 12th Day of *November*, 1730.

P R E S E N T.

The K I N G's Most Excellent Majesty.

Lord Chancellor,
Arch-Bishop of *York*,
Lord Privy Seal,
Duke of *Newcastle*,
Earl of *Ilay*,
Earl of *Sussex*,

Lord Viscount *Torrington*,
Lord *Harrington*,
Mr. Speaker,
Lord *Harvey*, Vice-Chamberlain,
Horatio Walpole Esq;

WHereas it hath been represented to His Majesty at this Board, That *JONATHAN BELCHER* Esq; His Majesty's Governor of the Province of the *Massachusetts-Bay*, is preparing for a Military Expedition against *Frederick's* Fort, formerly called the Fort of *Pemmaquid*, in order to [65] remove several *Irish* Protestants lately settled upon certain Lands there, by Col. *Dunbar*, Surveyor General of His Majesty's Woods in those parts, to which Lands no private Persons have hitherto set up any Claim:

And whereas it hath been farther represented, That the People of the *Massachusetts-Bay* do claim a Right of Government over the said Tract of Land, by vertue of a Clause in their *Charter*; and that a State of the Case concerning such Right is now preparing, in order to be laid before His Majesty's Attorney and Sollicitor General for their Opinion thereupon; His Majesty this Day took the same into His Royal Consideration, and looking upon an Attempt of this Nature to be unjustifiable, and that it may in its Consequence prove fatal to many of His Majesty's good Subjects in those parts, is hereby pleased, with the Advice of His Privy Council, to Order, That His Majesty's Governour or Commander in Chief of the said Province of the *Massachusetts-Bay*, do immediately upon the Receipt hereof, abstain from Military Execution, and cause a stop to be put to all Proceedings of any kind in this Affair, until the Right to the said Tract of Land shall be determined, and His Majesty's farther Pleasure signified thereupon.

Temple Stanyan.

Read.

An Ingrossed Bill intituled, *An Act, in further Addition to an Act, intituled, An Act for the Relief of Idiots and distracted Persons*, made and passed in the Sixth Year of the Reign of King *William* and Queen *Mary*.

Read, and passed to be Enacted.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Upon a Motion made and seconded, *Ordered*, That the Committee for Laws prepare the Draught of a Bill for Taxing the Land of Proprietors not lying within any Towns, and of the Land in the Towns within this Province belonging to Non-Resident Proprietors.

Mr. *Welles* from the Committee appointed the 29th of *December* last, to consider of the Motion made by Capt. *Goddard*, the 17th of the same Month, Reported, Read, accepted, and the following Vote passed thereupon, *viz.*

WHereas His Excellency the Governour, conformable to His Majesty's Example and Direction, and greatly to the Satisfaction and Encouragement of His Majesty's Loyal, Well-affected and Religious People in this Province, hath at sundry Times, in a very pressing manner, exhorted and urged this Court peculiarly to endeavour the Reformation of Manners, and the Establishment and Flourishing of Religion among us: And whereas not only the Enacting and duly Executing good and wholesome Laws, but also a strict and careful Exercise of Discipline in the several Churches within this Province, hath a great Tendency to restrain and prevent as well as reform Immoralities and Disorders prevalent among us, and may very much promote and encourage Piety and Holiness; and inasmuch as the *Platform of Church Order and Discipline* (published by the Synod met at *Cambridge* [66] Anno 1648. and afterwards agreed to by a Synod met at *Boston*, Anno 1679. and recommended by the Honourable General Assembly) contains the Principles in the Profession and Acknowledgement whereof the Churches in this Province were gathered, settled and founded; and whereas it was Enacted by an Act made and passed in the Fourth Year of the Reign of their late Majesties King *William* and Queen *Mary* of blessed Memory, (which has since pass'd the Royal Assent) in the Words following, *viz. That the respective Churches in the several Towns within this Province, shall at all times hereafter use, exercise and enjoy all their Privileges and Freedoms respecting Divine Worship, Church Order and Discipline, and shall be encouraged in the peaceable and regular Profession and Practice thereof;* which Freedoms and Privileges are particularly declared and set forth in the *Platform* aforesaid:

Therefore,

Voted, That it be recommended to the several Churches in this Province, established by the before in part recited Act, That they steadily and carefully observe and adhere to the *Platform* aforesaid, as the great Means to unite the several Churches in an orderly and regular Exercise of our holy Religion, the free and peaceable enjoyment whereof, in themselves and their Posterity, was the great Design of our Fathers who first settled this Country, and in which they were eminently favoured with the Divine Presence: And to the

Intent the Churches may be the better enabled to observe and practice as before recommended, it is farther *Ordered* by this Court, That the several Churches aforesaid, be each of them furnished with Six of the Books containing the *Platform* aforesaid, to be printed at the publick Charge, (which Mr. *Cooke*, Mr. *Welles*, Mr. *Thacher*, Mr. *Thomas Cushing* and Capt. *Goddard*, are desired to see effected) and put into the Hands of the respective Elders and Deacons of the Churches aforesaid, for the Use of themselves and others Members of their Churches.

Sent up for Concurrence.

A Memorial and Address of *Jeremiah Pearley* and Twelve others, praying for a Grant of Land either adjoining to a Grant lately made to some Soldiers who were under the Command of Capt. *Lovel*, or in some other place the Court shall think fit, for their Service of the Country in the late *Indian Wars*, for Reasons mentioned.

Read, and referred for Consideration to the next Session of this Court.

Ebenezer Burrel Esq; brought down from the Honourable Board, the Bill to prevent Persons concealing the *Small Pox*, pass'd in Council, viz. In Council, *January 14. 1731*. Read a First and Second Time, and pass'd a Concurrence, with the Amendments.

Sent down for Concurrence.

Read and Concurred.

The Bill for the *Payment of the Members of His Majesty's Council, and Representatives serving in General Court*.

Read a Second Time.

Then the House Adjourned till to Morrow Morning Ten o' Clock. [67]

Sabbati Die 15. Januarij, A. D. 1731.

AN Ingrossed Bill intituled, *An Act in Addition to an Act*, intituled, *An Act for hearing and determining Cases in Equity*. Read, and committed to the Committee for Laws.

The Petition of *Elijah Danforth* and others, entred the 31st of *December* last, sent up.

John Alford Esq; brought down from the Honourable Board, the Petition of *John Allen*.

The Memorial of *Joseph Underwood* and others, entred the 10th of *December* last, also the Petition of *Jonas Clarke* and others, entred the 13th of *August* last, and the Report of the Committee on the said Petition, entred the 10th of *December* and 6th of *October* last, Read again.

Then the House adjourned till *Monday* next, Four a Clock in the Afternoon.

VOTES

Of the House of Representatives.

Lunæ Die 17. Januarij, A. D. 1731.

MR. *Welles* from the Committee appointed the 16th of *July* last, to examine the Claims of the *Narraganset* Soldiers, Reported as follows, viz.

The Committee are of Opinion, that the Persons whose Names are contained in a List which they exhibited, and represented as in the *Narraganset* War, were truly and really there, and ought to be Considered and Rewarded accordingly.

Read, accepted, and sent up.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Martis Die 18. Januarij, A. D. 1731.

THe Bill for the Pay of the Members of the Great and General Court, Read a Third Time, and passed to be Ingrossed.

Sent up for Concurrence.

A Petition of *Thomas Tilestone* and others, a Committee of the Society of the *Narraganset* Soldiers, on behalf of themselves and the said Society, praying, That they may have granted to them such a Number of Townships, in some of the unappropriated Lands of this Province, of the Contents of six Miles square each, as may (together with the Two Townships already granted) afford a one hundred and twentieth part of such a Township, to each of the *Narraganset* Soldiers whose Claim therein shall be ascertained, agreeable to the Directions of this Court, that the same may be laid out to the Petitioners at the Charge of the Province, and settled under such Regulations as the Court shall direct and order; or that they may have such other Consideration as the Court shall think fit, for Reasons mentioned. [70]

Read, and in Answer thereto, *Ordered*, That such further Grant of Land be made to the Petitioners, as that every one hundred and twenty Persons whose Claims have been allowed by this Court, have a Township of the Contents of six Miles square, under the same Restrictions and Limitations with those already granted, and that the Committee formerly appointed to lay out the Towns for the *Narraganset* Soldiers, be a Committee to lay out the Land above granted, and that the Province be at the Charge of laying out the same, but not of any Sub-Divisions to any particular Persons.

Sent up for Concurrence.

And *Voted*, That the following Message accompany the said Order to the Honourable Board, *viz.*

WHereas there have been several Endeavours to accommodate the *Narraganset* Soldiers and their Descendants with a suitable Quantity of Land for their Settlement, as an Acknowledgement and Reward of their great Services to this Country, which have hitherto fail'd of the desired Success, this House have thought it might tend to promote a good Understanding and Harmony in this Court, to lay before the Honourable Board, wherefore it is, that the Representatives have come into the Grant of a Tract of six Miles square to each hundred and twenty Persons, which they have made this Session, in Answer to the Petition of *Thomas Tilestone* and others, a Committee in behalf of themselves and the rest of the Soldiers and their Descendants who were in the *Narraganset* War: And one great Reason is, that there was a Proclamation made to the Army in the Name of the Government, (as living Evidence very fully testify) when they were mustered on *Dedham* Plain, where they begun their March, *That if they play'd the Man, took the Fort, and drove the Enemy out of the Narraganset Country*, (which was their great Seat) *that they should have a Gratuity in Land, beside their Wages*: And it is well known, and our sitting to hear this Petition, is an Evidence that this was done; and as the Condition has been performed, certainly the Promise in all Equity and Justice ought to be fulfilled: And if we consider the Difficulties those Brave Men went thro' in storming the Fort in the depth of Winter, and the pinching Wants they afterwards underwent in pursuing those *Indians* that escaped, through a hideous Wilderness, famously known throughout *New-England* to this Day, by the Name of, *The Hungry March*; and if we further consider, that until this Brave tho' small Army thus play'd the Man, the whole Country was filled with Distress and Fear, and we trembled in this Capital *Boston* it self; and that to the goodness of God in this Army, we owe our Fathers and our own Safety and Estates, we cannot but think that those Instruments of our Deliverance and Safety ought to be not only *justly*, but also *gratefully* and *generously* Rewarded, and even with much more than they pray for, if we measure what they receive from us, by what we enjoy and have received from them. We need not mention to the Honourable Board, the Wisdom, Justice and Generosity of our *Mother Country*, and of the ancient *Romans* on such Occasions; Triumphs, Ovations, Hereditary Honours and Privileges, all the Riches, Spoils and Lands of War and conquered Countries have not been thought too great for them to whom they have not owed more, if so much, as we do to these our Deliverers. And we ought further to observe what greatly adds to their Me-[71]rit, that they were not Vagabonds, Beggars and Outcasts, of which Armies are sometimes considerably made up, who run the Hazards of War, to avoid the Danger of

starving: So far from this, that these were some of the best of our Men, the Fathers and Sons of some of the greatest and best of our Families, and who could have no other View but to serve their Country, and whom God was pleas'd accordingly in a very remarkable manner to Honour and Succeed.

Of these Things the Honourable the General Court of the late Colony of the *Massachusetts* in those Days was not insensible, and accordingly gave to their Soldiers, being upwards of 500, about two thirds of the Army that went from the *Massachusetts*, and the late Colony of *Plimouth*, a Tract of about *Forty Thousand Acres* in the *Nipmug* Country; this, or the Value of it these Soldiers would be contented with, and take in their Brethren of *Plimouth* too, though that would take away one third of what was granted them, and would after that have more in Value than what they now ask for them all. For every one must own, that *Forty Thousand Acres* in the heart of the Country, as the *Nipmug* Country is, is of more Value than five times that Quantity remote, in the Borders, and in danger if there should be a *French War*, as is and would be the Case with all the unappropriated Lands of the Province which they now ask for.

It is hoped that the Neglect of these Petitioners so long, or the Province's having disposed of the *Nipmug* Country to others, and so defeated their ancient Grant, will not be thought to wear out, any more than it rewards their Merit: The Grant seems to be made in Acknowledgment both of the Promise, and of their fulfilling the Condition, and being well intitled to it: And there is great Reason to fear, that publick Guilt will lie upon the Country, if we should neglect and continue in the Breach of this Promise, after it has been made and omitted for above Fifty Years. As to the late Grant of two Two Townships to Seven or Eight Hundred of the Soldiers, it is so far below the Value of the Land they conquered, and the Price the Province had for it, when it was Sold, and the Money divided to the Colonies that carried on the War, it is such a *Pittance* of what they obtained for us, so exceedingly beneath what the Province has defeated them of, which was granted to but about two thirds of them in the *Nipmug* Country, that it is mocking and deriding, rather than Rewarding them, to offer it.

Beyond what has been said, it should be considered, that to grant the present Petition, and give such a Quantity of Land as may be worth Settling, and upon Condition of bringing forward Townships, is much more agreeable to *Charter*, and for the publick Good, than to give away Tracts of Land, and suffer and even tempt Men to let them lie wast and unimproved: For in the way that has been proposed, and in which some Progress has been made, the Lands will be divided into such Scraps, that they will not be worth receiving.

An ingrossed Bill intituled, *An Act to prevent the concealing of the Small Pox.* Read, and passed to be Enacted. [72]

The Petition of *John Allen* Esq; entred the 11th Instant, pass'd in Council, viz. In Council, *January 15. 1731.* Read again, together with the Answer of *Philip Jones*, and the same being fully considered, *Ordered*, That this Petition be dismissed.

Sent down for Concurrence.

Read, and non-concurred, and

Ordered, That the Prayer of the Petition be so far granted, as that the Petitioner be enabled by a Writ of Review, to bring forward a Trial of the Case within mentioned, at the next Inferiour Court of Common Pleas to be holden at *Boston*, for the County of *Suffolk*, and that the Justices of the said Court, be and hereby are impowered and directed to receive the Answer of the Original Defendant, and proceed to the Trial of the Case, as though no such Default as is within-mentioned had happened, and enter up Judgment, and award Execution accordingly. Any Law, Usage or Custom to the contrary notwithstanding.

Sent up for Concurrence.

Then the House Adjourned till Three o' Clock Afternoon.

Post Meridiem.

A Petition of *Samuel Williams* and *Dorothy* his Wife, late *Dorothy Denison*, Relict Widow of *William Denison*, late of *Roxbury*, in the County of *Suffolk*, Gentleman, deceased, setting forth, That the said *William Denison* by his last Will and Testament, gave to the said *Dorothy*, his whole Estate, both Real and Personal during Life, and willed, that she dispose of *Two Hundred Pounds* to some publick Use, taking the Advice of the Reverend Mr. *Nehemiah Walter*, or some other of her able and faithful Friends; but inasmuch as some Doubt arises whether she has power by vertue of the said Clause, to dispose of the said *Two Hundred Pounds* out of the Testator's Real Estate, the Petitioners therefore pray they may be impowered to sell Nine Acres of the said deceased's Land for the Purpose before-mentioned, the Overplus to be disposed of agreeable to his Will, for Reasons mentioned. Read.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Mercurij Die 19. Januarij, A. D. 1731.

A Petition of *Peter Nowel* and others, Inhabitants of the upper part of the Town of *York*, praying, That they may be declared and constituted a distinct Precinct, according to the Boundaries described in a Vote of said Town, of the 27th of *December* last, with all the Powers and Privileges which other Precincts are invested with, for Reasons mentioned. Read, and

Ordered That the Prayer of the Petition be granted, and that those of the Inhabitants of the said Town, together with their Estates above or to the

North-West of the Mill-Creek, on the *South-West* side of *York* River, and on the *North-East* side of said River, above or to the *North-West* of *Bass Cove*, and so a strait Line from Capt. *Came's* Grist Mill to the middle Point between *Baker's* Spring and the marked Trees at the Country Road, in the Bounds between *Wells* and *York*, be and hereby are set off and erected [73] into a distinct and separate Precinct, and that they have and enjoy all the Powers and Privileges which the Inhabitants of other Precincts of this Province do or by Law ought to enjoy: And that Mr. *Peter Nowel*, a principal Inhabitant of the said Precinct, be and hereby is fully authorized and empowered to Notify and Warn the Inhabitants thereof, duly qualified to Vote, to convene as soon as may be, in some publick place there, to chuse Precinct Officers, to stand until the Anniversary Meeting in *March* next.

Sent up for Concurrence.

Ebenezer Stone Esq; brought down from the Honourable Board, the Bill *For making and emitting the Sum of Fifty Thousand Pounds*, pass'd in Council, viz. In Council, *January 14. 1731.* Read. 18. Read a Second Time, and passed a Concurrence with the Amendments.

Sent down for Concurrence. Read and concurred, save the Addition at *A*.

Mr. *Welles* from the Committee appointed the 4th Instant to prepare a Remonstrance to His Excellency respecting the Treasury, Reported, Read.

Daniel Oliver Esq; brought down the following Order of Council, viz.

In Council, *January 19. 1731.*

Ordered, That *Samuel Thaxter* and *John Chandler* Esqrs. with such as the Honourable House of Representatives shall join, be a Committee to examine the Books, Papers and Proceedings of the Committee for *North Yarmouth*, and Report as soon as may be, what they judge proper for this Court to do on the several Petitions of the Proprietors and Settlers of the said place.

Sent down for Concurrence. Read.

Mr. *Cooke* from the Committee appointed the 11th Instant, to consider what may be proper to be done respecting Fees, Reported, Read.

An Ingrossed Bill intituled, *An Act for repealing an Act* intituled, *An Act appointing the Sheriff to have the keeping of the Common Goal, and the Prisoners therein*, made and passed in the Eleventh Year of the Reign of His late Majesty King *William* the Third, and for making other Provision instead thereof, the more effectually to prevent Escapes. Read, and passed to be Enacted.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

The Order of the Honourable Board, respecting *North-Yarmouth*, Read again, and concurred, and *Ordered*, That Capt. *Goddard*, Mr. *Bisby* and Mr. *Choat*, be join'd in the Affair. Sent up.

A Memorial of *George Brown* and *John Needham*, in the Name and Behalf of the Persons whose Names are subscribed, belonging to the Towns of *Woburn* and *Billerica*, who are of the old Petitioners for the Land on *Merrimack* River; setting forth, That in the Year 1723. they preferred a Petition to this Court, for a Tract of Land on both sides the said River, [74] for a Township, and have been at a great Expence of Time and Money for obtaining the same, until the Year 1729. when they were inform'd that their said Petition pass'd the Honourable House, but in the last *May* Session, one *Joseph Underwood* and others petitioned this Court for the same Tract of Land, and a Committee of the Honourable House has been appointed to consider of the said Petition, and have Reported in favour of the Petitioners. Praying, That Regard may be had to the Memorialists, and that before said Report be passed upon, it may be so worded, as to be in their Favour, for Reasons mentioned. Read.

The Petition of *John Giles* and others, entred the 7th Instant, Read again, and

Ordered, That the Petitioners serve the adverse Party with a Copy of the Petition, that so he may shew Cause, if any he hath, on the first *Tuesday* of the next *May* Session, why the Prayer thereof may not be granted.

Sent up for Concurrence.

William Dudley Esq; brought down from the Honourable Board, the Bill for the payment of the Members of His Majesty's Council, and Representatives serving in the General Court.

Also the Petition of *Elijah Danforth* Esq; and others, with a Message, that the Honourable Board had non-concurred the Bill *in Addition to the Act* for Regulation of the Decrees and other Proceedings of the Judges of Probate.

The Bill *for the Payment of the Members of the Great and General Court*, pass'd in Council, *viz.* In Council, *January* 18. 1731. Read. 19. Read a Second Time, and pass'd a Concurrence with the Amendment.

Sent down for Concurrence. Read and Concurred.

The Report of the Committee to prepare a Draught of a Remonstrance to His Excellency, respecting the Treasury, Read again, and a long Debate had thereupon.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Jobis Die 20. Januarij, A. D. 1731.

An Ingrossed Bill intituled, *An Act for making and emitting the Sum of Fifty Thousand Pounds in Bills of Credit on this Province, to be redeemed by Silver and Gold*, Read and passed to be Enacted.

The Report of the Committee to prevent the taking of Excessive Fees, Read and accepted.

In the House of Representatives, *January 20. 1731.*

ONE chief End of all Civil Government and Humane Society, is to Ordain Laws to prevent Oppression: This being imprinted on the Minds of our worthy Predecessors, engaged the Legislature in General Court convened, the 22d of *October 1712.* to pass an Act to prevent that Evil. That Court well knowing that the *Silver Money*, which formerly [75] was the Medium in Trade throughout this Province, had for some Time grown extreme scarce, and that the Government had been in a manner constrained to Project and Order several Emissions in Bills of Credit on this Province, to pass in all publick Payments, for the necessary Support and Defence of the Government; which Bills, by common Consent and Agreement, obtained a universal Currency in all private Trade and Dealings, and found very beneficial for facilitating the same: The whole Course of Trade from the Year 1705. having been generally managed and regulated thereby, and all Debts since then to that Time (where there was no special Agreement to the contrary) understood to be contracted for the said Bills: whereupon the Merchants and Trading Party made Application to that Court for further Encouragement to be given to the said Bills in the way of private Commerce. And to prevent Oppression, by a rigorous exaction of Money (which was not then to be had) for Debts contracted with the true Intent both of Debtor and Creditor to be paid in Bills, tho' not expressly mentioned. The Court upon those weighty Considerations did Enact and Declare, That no Debtor for any Debt made since the 30th of *October 1705.* or that might be contracted till the 30th of *October 1715.* (Specialties and express Contracts in Writing always excepted) that should tender Satisfaction and Payment of his full Debt in such Bills of Credit, should be liable to have Execution served on his Body or Estate, or be imprisoned upon any Recovery of Judgment granted against him for such Debt. Which Act by being practiced upon, was adjudged very beneficial to His Majesty's Subjects here, and the Reasons for making the Act continuing. It was Re-Enacted *Anno 1716.* and continued to the 30th of *October* last, and then expired. At a Session of this Court the 10th of *February* last, the Necessity of an Act of the same Tendency was very conspicuous, it appearing to almost every one, that not only Trade and Commerce

would be stagnated, but the industrious Man exposed to the covetous: Wherefore seasonably to prevent those Inconveniencies, Bills of Credit were again made a Tender as aforesaid, and for all Debts that should be contracted till the last Day of *October 1740*. *Anno 1714*. the Court passed an Act for the making and emitting the Sum of *Fifty Thousand Pounds* in Bills of Credit, to be let out to the Inhabitants, manifesting that the former Bills had happily supported this His Majesty's Government, in a long and expensive War, and served as a Medium of Commerce; but being then grown very scarce, and but few passing, not only the Affairs of the Publick were very much hindered thereby, the payment of the publick Debts in a great measure rendered impracticable, but the Trade and Business of this Province both at Home and Abroad obstructed, to the great Discouragement and Distress of the Province: For removing those Burthens, and giving Relief, the aforesaid Emission was Ordered, and in three several other Years, the Court for the Reasons above recited, came into an Emission of Bills, the whole amounting to *Two Hundred and Sixty Thousand Pounds*; all which several Emissions, together with many more of the like Bills for paying the publick Debts, gave Opportunity and Advantage to the Merchants and others to Ship off the *Silver Money*, in Returns for Goods imported from *Great Britain*, that for a Number of Years past, *Silver Money* has not been passing in Payments between Man and Man, as heretofore accustomed: The publick Affairs of the Province, as well as the Trade and Business thereof being thus [76] circumstanced and conducted of late Years, strictly obliged the Legislature in common Justice to the People, to make and establish the aforesaid Act, and extend it to *October 1740*.

Now inasmuch as an Act for the Establishment of the Fees belonging to the several Offices in this Province, was made and passed *Anno 1692*. many Years before any of the aforesaid Emissions of Bills, and when *Silver Money* was plenty, and served as a Medium in the Trade and Business of this Province, some of the present Officers may vainly imagine, that neither the Letter or Reason of the Law for making Bills a Tender, can restrain them from demanding and receiving their Fees in *Silver Money*; and therefore for Service now to be done in their several Offices they may demand *Silver*. This House being also informed, that of late strong Efforts and Endeavours have been set on Foot (if not already practiced) to compel Persons that have or may have any Business in the Courts of Justice, to pay the Officers Fees in *Silver*, or if in Bills with an Equivalent. Should such unjustifiable Attempts be brought into Practice, what a Torrent of Oppression would immediately flow in upon the Land, and multitudes of His Majesty's good Subjects exposed to the violent Extortion of unreasonable Men, and great and heavy Sums of Money yearly extorted from the Inhabitants here, under colour of

Law only, to the great Disturbance and Disquiet of the Minds of the good People here. And it is too much to be feared, should this unwarrantable Contrivance be countenanced and brought to bear, many flagitious Crimes would go unpunished: For several now inclined to bear Testimony against Vice and Immorality, would then be backward in informing against the violaters of those Laws, in Pity and Compassion to their poor and unhappy Neighbours, lest such as should be brought to Court and prosecuted, would be sadled with excessive Charges, to the grievous Hurt of them and their Families.

Now therefore to make it evident for any Courts or Officers to demand and take their Fees in *Silver*, or an Equivalent in Bills, will be a manifest Breach upon the good and wholesome End in the before-mentioned Act to prevent Oppression. Let that Act be candidly and thoroughly examined, it will very plainly appear, that should the Courts of Law, or any of the Officers thereto belonging, or any others whose Fees were established by the Law passed in 1692. or by any Law since made for that Purpose, presume to demand and receive their Fees as before expressed, such Exaction would be in breach of that Act, and pervert the good and wholesome Ends and Purposes for which the Act had Being; the Law expressly declaring the aforesaid Bills shall be a sufficient Tender for payment of all Debts (Specialties and Contracts in Writing being only excepted) which Exception cannot by any Construction be taken to comprehend the Fees of Officers: And that Act *for the Relief of, and to prevent the Oppression of Debtors*, published in *April* last, the Bill for that Law was prepared by the House, and sent up for Concurrence to the Honourable Board, which they concurred with an Amendment, exempting the Fees of Officers from being discharged by a Tender of Bills of Credit. Which Amendment the House non-concurred, insisted on the Bill without that Amendment, and sent the same for the Board's Concurrence, to which they acceded, and His Excellency the [77] Governour gave his Consent thereto. Which is a plain and full Indication of the Mind of the whole Legislature in *April* last, that the Bills of Credit must answer and discharge Debts due for Fees to all Officers, as well as other Debts.

Let the constant Practice and Custom of all the Courts throughout the Province be enquired into, and it will be found, that from the making the Law stating Fees, until very lately, none of the Courts or Officers refused taking their Fees in Bills, or presumed to ask and take other or larger Fees if paid in Bills, altho' the Bills for some Years past were as low in their Value, if not lower than at present; but the Courts notwithstanding were content to take their Fees in Bills, without demanding other Money. Now the Justices of the Courts and other Officers well knowing for upwards of Twenty Years past, in what Specie the Fees have been discharged, did they esteem such

Payments insufficient to the Time and Expence they are exposed to in discharge of their Office, why did they not excuse themselves, and assign that as a Reason therefor when chosen and appointed? they being under no Obligation to accept of burthensome and unprofitable Posts. Since therefore they have accepted, and entred upon the Business of their Office, it is but their Duty to rest satisfied with the Fees, so well and long Established and Received as at this Day.

Let it be once more considered, that if this Court had accounted the Bills of Credit (altho' sunk in their Original Value) insufficient Recompence for the Service of Courts and Officers, they would in Justice to them, have raised their Fees, when they enlarged the Fees of Grand Jurors, Petit Jurors, and Witnesses attending Courts; especially considering the Legislature when they enlarged the Pay of Grand Jurors, set forth in that Act, that their Allowance stated by Law was thought too little. The Act enlarging the Pay of the Members of this Court, which was discharged in Bills, declares the former Establishment insufficient to answer the Charge of their Travel and necessary Expence; and had they judged the Pay or Allowance respecting the Officers of other Courts alike circumstanced, their Fees had without all Question at the same Time been advanced. It is very observable, that in the several Sessions wherein some Fees were enlarged, there were Numbers of the Civil Officers present at the several Sessions when the Pay for some was advanced, during the whole of the Management of those Affairs, the Civil Officers then present, did not move for the Enlargement of their Fees. For any private Persons, or those in the Executive part of Government, to set up any Practice in opposition to the express Mind and Understanding of the Legislature, must be very unjustifiable, and tend to defeat the great and good End of Government.

These Things being duly weighed and considered, this Court Recommends it to every one that has any Regard to the Peace and Weal of this Province, to discountenance what in them lies, all Attempts of this Kind, that so those intending and contriving such ruinous Schemes may be defeated.

Sent up for Concurrence.

Then the House Adjourned till Three o' Clock Afternoon. [78]

Post Meridiem.

The Report of the Committee to prepare a Draught of a Remonstrance with respect to the Supply of the Treasury, Read again, accepted, and *Ordered*, That Major *Brattle*, Major *Epes*, Mr. *Jacob*, Capt. *Alden* and Capt. *Gould*, wait upon His Excellency with the following Message, *viz.*

May it please Your Excellency,

IT is with the highest Concern, that His Majesty's Loyal and Dutiful Subjects, the Representatives in General Court Assembled, observe the Refusal of Your Consent to the Bill pass'd this Session by the House, and concurred by His Majesty's Council, for supplying the Treasury with *Twenty Thousand Pounds*, for discharging the Debts due from this Province; and the more, that at the same Time You declared Your Resolution to refuse Your Consent to any Bill of that Nature: The true and real Cause of which Concern is, our Desire that Justice may have free course, and that every one to whom the Publick is indebted, may receive their Due; which Your Excellency's Resolution seems to render impossible, unless the Representatives betray the Trust reposed in them by the People that chose them, and against their Constituents Instructions, prostitute the Money in the Treasury to the unaccountable, and consequently uncontrollable Will and Pleasure of the Governour and the Major part of Seven Gentlemen of His Majesty's Council, which is Four, and those such as the Governour shall pick and chuse out of Twenty Eight. The publick Affairs being thus embarassed, and a stop put to the Discharge of the publick Debts, the great Support of Government, and this as Your Excellency informed us, by Reason of His Majesty's Instruction; the House have judg'd it their Duty, humbly to lay before Your Excellency, as the Representative of His Majesty's Royal Person, the Deploable Circumstances His Majesty's good Subjects of this Province are already in, and daily running into, if that Instruction continues, and Your Excellency's Resolution to adhere to it, however inconsistent with the *Charter*, which by His Majesty's Royal Commission, is the Great Rule of Your Government, and of construing all Instructions. For on the one Hand, if this Instruction continues, and prevents the Supply of the Treasury, and all possibility of paying those who serve the Province, who will do it? Surely no one voluntarily, since they can have no Reward for it: And how unjust will it be to compel them to do it for nothing? And if none serve, protect and defend the Government, what must ensue but Anarchy and Confusion? On the other Hand, should the Representatives supply the Treasury in the way directed to by the Instruction, and subject the Money to be drawn out by the Governour and Council as above, if the Money should be so embezled as that a very large Sum would not pay a small Debt, there is no help: For as the Governour and Council may draw the Money out for what they think best, so they may swell any Accompt up to what Sum they please, and the Representatives who raise the Money, and whose Constituents pay it, have no sort of Remedy; for the future Examination the Instruction directs to, can serve no ways to refund the Money, nor give any Relief, nor serve for any thing else, but to turn our Fear into Despair; for we cannot Impeach, as is the

Usage of the House of Commons in such Cases, without which appro-[79] priating the Money can be no sort of Security, nor any future Examination of any Significancy; so that this Method would be to destroy the whole to save a part, and throw that away too. And it should seem very strange, that the *Charter* should give Power to the General Assembly to make such Laws, Statutes and Ordinances, as they shall judge to be for the Good and Welfare of the Province, and People inhabiting the same, and yet by an Instruction be forbid or prevented coming into an Act to supply the Treasury in such a Way. If an Instruction may prevent or stop this, why not any thing else? and so stop every Act of Government. The Taxing of the People, and putting Money into the Treasury, is what more peculiarly belongs to the House of Representatives, as their Constituents pay it, and therefore what prevents and hinders them in what they are the most peculiar and proper Judges of, seems not only to bear upon their Rights by *Charter*, but also as *Englishmen* and Rational Creatures. The Representatives have already in the Bill aforesaid, agreed to supply the Treasury, to pay all Debts they shall know, and that shall be allowed of by the General Court. The Instruction directs to supply the Treasury with Money, to pay what the Representatives know nothing of, and what they may with great Reason be absolutely against. For the Judgment or Pleasure of the Governour and Council will draw the Money out, so that to consent to this, is much the same as to agree that the Governour and Council should Tax the People: For what can be the difference between the Governour and Council's drawing out the People's Money when in the Treasury, as they think best, and at their pleasure taxing the People to pay Money into the Treasury?

Upon the whole, tho' the House of Representatives are exceedingly desirous that the Treasury may be supplied, and the publick Debts paid; being very compassionately concerned for those who have served the Province: Yet if His Majesty's Instruction, and not what the General Court judges to be for the Good and Welfare of the Province, must be the Rule, we dare not do it, being firmly of Opinion, that we shall act neither like *Englishmen* nor Rational Creatures, to comply with the Instruction, and put our Money into the Treasury, to be drawn out for we know not what, and when it is drawn out, tho' never so unreasonably, we can have no Restitution or Relief.

A Petition of Mr. *Experience Mahew*, Agent for the Christian *Indians* living within the Boundaries of *Tisbury* on *Martha's Vineyard*, and on part of the Lands formerly belonging to the Sachemship of *Taukamo*, praying the Court to grant unto them some or all the Privileges of a Town, or otherwise make them a distinct and separate Precinct, with such Privileges or Immunities as the Court shall think fit, for Reasons mentioned.

Read, and committed to the Committee for Petitions.

The Petition of *Samuel and Dorothy Williams*, entred the 18th Instant, Read again, and the Question put, *Whether the Prayer of the Petition be granted*, and it passed in the Negative.

The Petition of *Elijah Danforth Esq;* and others, praying as entred the 24th of *December* last, pass'd in Council, *viz.* In Council, *January 19. 1731 [80]* Read, and whereas it appears to this Court, by a proper Instrument executed at *Paramarabo* in *Surinam*, by the Parents of the Infant within mentioned, as they are her Guardians, That Mr. *Andrew Faneuil* of *Boston*, Merchant, is impowered generally to take care of and manage the Interest and Estate of the said Infant in this Province;

Voted, That the said *Andrew Faneuil*, be and hereby is authorized and impowered to join with the Petitioners, and others concerned in a Division of the Lands within mentioned, according to Law, if they shall apply for the same, and that such Division be as valid and effectual, and as binding to the said Infant, as if the said *Andrew Faneuil* were appointed her Guardian, according to the Directions of the Laws of this Province: Any Law, Usage or Custom to the contrary notwithstanding.

Sent down for Concurrence. Read, and Non-concurred.

The Order of the 13th Instant on the Petition of Col. *Lamb* and others, Read again, and *Voted*, That the Blank therein be filled up with *Five*, and the said Order sent up for Concurrence.

Ordered, That Mr. Speaker, Mr. *Welles* and Mr. *Cooke*, with such as shall be join'd by the Honourable Board, be a Committee to prepare a Draught of a Letter to the Agent of this Province, to acquaint him with the Proceedings of this Court, respecting the Supply of the Treasury, and Report as soon as may be.

Sent up for Concurrence.

Upon a Motion made and seconded, the House again took into Consideration the Report of the Committee on the Memorial of the Reverend Mr. *Roger Price*; the said Report was Read again, and the House pass'd a Concurrence with the Honourable Board, in their Vote entred the 11th Instant, for Acceptance of the said Report, with an Amendment.

Sent up for Concurrence.

Upon a Motion made and seconded, *Ordered*, That Mr. *Thomas Cushing*, Mr. *Bisby*, Mr. *Lemmon*, Mr. *Hall* and Mr. *Pyncheon*, be a Committee to consider of the several Accompts of the County Treasurers, that have not been allowed of by this Court, and Report as soon as may be, what may be proper to be done thereon.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 21. Januarij, A. D. 1731.

AN Ingrossed Bill intituled, *An Act providing for the future Payment of the Members of His Majesty's Council, and Representatives serving in General Court.*

Read, and passed to be Enacted.

Then the House Adjourned till Three Clock Afternoon. [81]

Post Meridiem.

The Petition of *Joseph Stephens* and others, a Committee to inspect and regulate the Settlement of the *North Town* (so called) and of *William Lawrance*, Agent for the Proprietors of the same Place, entred the 17th of *December* last, Read again, and the Question put, *Whether the Charge within referred to, be paid out of the publick Treasury*, and it pass'd in the Negative.

Jonathan Dowse Esq; brought down from the Honourable Board, a Memorial of *Henry Rolfe* Esq; in behalf and by Order of the admitted Settlers of *Pennicook*, praying the Court, by some *Act* or *Resolve*, to endow them with Powers, Privileges and Immunities equal to any Town in the Province, or such other Order taken for their Relief and Government, as may be thought best; as also that the Committee for bringing forward the Settlement, may have further Orders and Directions, forthwith to cause the deficient Grantees to comply with the Terms of the Grant, or in Default thereof, to be disposed of to others who shall forthwith settle the same, and compleat the Number of One Hundred Settlers; that so the Committee may perfect what they were directed to in the Court's first Order for Settlement. Pass'd in Council, viz. In Council, *January 21. 1731.* Read, and Ordered That *Benjamin Lynde* and *Joseph Wadsworth* Esqrs. with such as the Honourable House of Representatives shall appoint, be a Committee to consider and Report, what they judge proper for this Court to do on this Petition. Sent down for Concurrence.

Read and concurred, and Ordered, That *Mr. Tyng*, Major *Epes* and *Mr. Hobson* be join'd in the Affair.

A Bill intituled, *An Act in further Addition to the Act for Regulating the Militia.* Read a First Time.

Ordered, That *Mr. Welles*, Capt. *Alden*, *Mr. Cooke*, *Mr. Shove* and Capt. *Foster*, with such as the Honourable Board shall appoint, be a Committee on behalf of this Province, to meet the Commissioners appointed to settle the *Western Boundary* between this Province and the Colony of *Rhode-Island*, at such Time and Place as the said Commissioners shall appoint.

Sent up for Concurrence.

Upon a Motion made by *Mr. Pynchon*, in behalf of *James Dorchester* and

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others, Subscribers to a Petition entred the 7th Instant, *Ordered*, That the said *Pynchon* have leave to withdraw the said Petition.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Sabbati Die 22. Januarij, A. D. 1731.

MR. Speaker communicated a Letter of Excuse from *Thomas Church* Esq;
Read.

Then the House Adjourned till *Tuesday* next, Ten o' Clock in the Forenoon.

B O S T O N : Printed by **Thomas Fleet,**
Printer to the Honourable House of Representatives. 1731. [83]

VOTES

Of the House of Representatives.

Martis Die 25. Januarij, A. D. 1731.

THE Bill for altering the Return of Executions in some of the Counties of this Province, and regulating of Sheriffs in their serving the same: As also for Authorizing Collectors and Constables to require Aid in Distraining the publick Rates or Taxes.

Read a Third Time, and Non-concurred.

Mr. *Cooke* from the Committee for Petitions, Reported on the Petition of *Henry Jocelyn*, entred the 30th of *December* last, Read, accepted, and

Ordered, That the Sum of *Fifteen Pounds Three Shillings*, be allowed and paid out of the publick Treasury to the Petitioner, in Consideration of the Charge, Expence and Loss of Time he has sustained in the Service of this Province.

Sent up for Concurrence.

On the Petition of *Experience Mayhew*, entred the 20th Instant, Read, accepted, and

Ordered, That the Petitioner serve the Inhabitants of the Town of *Tisbury* with a Copy of this Petition, that so they may shew Cause, if any they have, on the Second *Wednesday* of the next *May* Session, why the Prayer thereof may not be granted.

Sent up for Concurrence.

In the House of Representatives, *January 26. 1731.*

Whereas we have great Reason to apprehend, that some wicked and ill disposed Persons among us, are desirous and endeavouring that the Act made and passed by the General Court at their Session in *February* last, making the Bills of Credit on this Province a Tender, should be disallowed by His Majesty, which will be very detrimental to this Province; Therefore,

Voted, That Mr. Speaker, Mr. *Cooke*, Mr. *Welles*, Mr. *Shove*, Mr. *Lynde* and Mr. *Thomas Cushing*, be a Committee to prepare the Draught of a Letter [84] to Mr. Agent *Wilks*, directing him to observe if there should be any such Attempt, and use his utmost Care that the said Act should pass the Royal Approbation.

Upon a Motion made and seconded, *Voted*, That there be an Inlistment of Ten good effective Men, to be added to the Soldiers already posted at

the Block-House above *Northfield*, and that Pay and Subsistence be allowed them till the Fifteenth of *June*, One Thousand Seven Hundred and Thirty Three. Sent up for Concurrence.

The Bill in further *Addition to the Act for Regulating the Militia*.

Read a Second Time, and the Question put, *Whether the same should have a Third Reading?* and it pass'd in the Negative.

Thomas Palmer Esq; brought down from the Honourable Board, a Draught of an Address to His Majesty, respecting the Lands at the *Eastward*, and

Ordered, That Major *Brattle* carry the same up again, with a Message to the Honourable Board, to acquaint them, that forasmuch as there is a Committee of both Houses appointed to prepare a Draught of an Address to His Majesty respecting those Lands, (from whom a Report may shortly be expected) the same had not been Read in the House.

John Chandler Esq; brought down from the Honourable Board, the Vote of the 21st Instant, for appointing a Committee to meet the Commissioners appointed for Settling the Boundary between this Province and the Colony of *Rhode-Island*, pass'd in Council, viz. In Council, *January 25. 1731*. Read and concurred, and *Samuel Thaxter*, *Spencer Phips* and *William Dudley* Esqrs. are added on the Affair, any Four of the Committee to be a *Quorum*. Sent down for Concurrence.

Read and concurred, with an Amendment.

Sent up for Concurrence.

Ordered That Mr. *Bisby* go up with a Message to the Honourable Board, to acquaint them, that the House propose to adjourn till to Morrow Morning, that so the Committees may have an Opportunity to dispatch the Affairs committed to their Consideration, and lay the same before this Court. Who return'd he had delivered the Message.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Mercurij Die 26. Januarij, A. D. 1731.

In the House of Representatives, *January 26. 1731.*

O*rdere*d, That Mr. *John Huggins*, a principal Inhabitant of the lower Township of *Housatunno*ck, be and hereby is fully authorized and impowered to Summon and give Notice to the Inhabitants and Proprietors of the said Township, to meet together at some convenient Place there, who are hereby impowered to raise by a Tax such Sum and Sums as they shall judge necessary for defreying the Charges of said Township, for the Two [85] Years next ensuing; also to chuse a Clerk, Treasurer, Assessors and Collector or Collectors, for the levying and collecting the same, (of which Meeting the said *John Huggins* to be the Moderator) and the Clerk so chosen, (being first

sworn before one of His Majesty's Justices of the Peace for the County of *Hampshire*) is hereby empowered to Administer the proper Oath to the Assessors and Collector or Collectors, and that the Collector or Collectors so chosen, be and hereby are also empowered to execute the Office of a Constable: And the said Assessors are Ordered and Directed to Assess and levy such Sum and Sums, as shall be agreed on to be raised, in equal Proportion on all the Grantees of the said Township, as well those that do not reside there, as those that do; and the said Constable or Collectors are fully enabled to collect the same.

Sent up for Concurrence.

Ordered, That Mr. *Milbury* be added to the Committee appointed the 19th Instant, to examine the Books, Papers and Proceedings of the Committee of *North-Yarmouth*, and that the said Committee Report as soon as may be.

Ordered, That the Committee appointed the 20th Instant, to prepare a Draught of a Letter to the Agent of this Province, to acquaint him with the Proceedings of this Court, respecting the Supply of the Treasury, take under Consideration the Difficulties and Distresses this Province labours under, with respect to that Affair, as also with respect to the Instruction to His Excellency the Governour, relating to the Emission of Bills of Credit, and Report as soon as may be, what may be proper for this Court to do thereon.

Sent up for Concurrence.

A Petition of *James Davis* of *Boston*, Block-maker, praying the Court to grant unto his Father *Robert Davis* of *Boston*, Mariner, some Pension during his Life, or otherwise unto the Petitioner some of the unimproved Land within this Province, for Reasons mentioned. Read, and the Question put, *Whether the Prayer of the Petition be granted*, and it passed in the Negative.

Thomas Palmer Esq; brought down from the Honourable Board, the Order of the 21st Instant, appointing a Committee on behalf of this Province, to meet the Commissioners appointed to settle the Boundary Line between this Province and *Rhode-Island*, pass'd in Council, *viz.* In Council, *January 26. 1731.* Read and concurred, with the further Amendment.

Sent down for Concurrence. Read and Concurred.

Sent up.

Ordered, That Mr. *Lynde*, Mr. *Tyng* and Major *Epes*, wait upon His Excellency the Governour with the following Vote, *viz.*

Whereas this House are informed, that His Excellency the Governour has an Instruction from His Majesty, forbidding Him to consent to the Repeal of any Act made by the General Court;

Voted, That His Excellency be desired, if He think proper, to give the House a Sight of said Instruction. [86]

Spencer Phips Esq; brought down from the Honourable Board, a Draught of a Letter to Mr. Agent *Wilks*, respecting the *French* Incroachment on *Crown-*

Point, prepared by a Committee of both Houses, pass'd in Council, *viz.* In Council, *January 26. 1731.* Read and accepted.

Sent down for Concurrence. Read and Non-concurred.

Jonathan Dowse Esq; brought down a Draught of an Address to His Majesty, respecting the Lands at the *Eastward*, also a Letter to Mr. Agent, relating thereto, prepared by a Committee of both Houses.

Ordered, That Mr. *Shove*, Mr. *Welles* and Mr. *Samuel Chandler*, be a Committee to take under Consideration, the Memorial of *Caleb Blogget*, and the Petition therein referred to, entred the 15th. as also the Memorial of *George Brown* and others, entred the 19th Instant, and Report what may be proper to be done thereon.

Symonds Epes Esq; brought down from the Honourable Board, the Vote of Yesterday, for Inlistment of Ten Men to be placed at the Block-House above *Northfield*, pass'd in Council, *viz.* In Council, *January 26. 1731.* Read and concurred with the Amendment.

Sent down for Concurrence. Read, and concurred.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Jobis Die 27. Januarij, A. D. 1731.

THE Address to His Majesty, as also the Letter to Mr. Agent *Wilks*, respecting the Land at the *Eastward*, entred Yesterday, pass'd in Council, *viz.* In Council, *January 26. 1731.* Read and accepted.

Sent down for Concurrence. Read again, and after some Debate,

Ordered, That the said Address be committed to Mr. *Cooke*, in order to his making an Amendment proposed.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Mr. *Cooke* from the Committee appointed the 25th. Instant, to prepare the Draught of a Letter to Mr. Agent *Wilks*, respecting the Act for making Bills of Credit a Tender, Reported, that they had prepared one, which he Read in his Place, and then laid the same on the Speaker's Table, and it was accepted by the House.

As also, that agreeable to the Proposal in the Morning, he had prepared an Amendment on the Address to His Majesty, respecting the Lands at the *Eastward*. Read, and the House passed a Concurrence with the Honourable Board in accepting said Address, with that Amendment.

Sent up for Concurrence.

The House also passed a Concurrence with the Honourable Board, in accepting the Letter to Mr. Agent, respecting the said Lands. [87]

Ebenezer Stone Esq; brought down from the Honourable Board, a Report of a Committee of both Houses, appointed to consider of the several Petitions of *Habijah Savage* Esq; *Jonathan Loring*, *Christopher Toppan*, *Joseph Roberts* and *Samuel Whittemore* and others, Proprietors of Land at the *Eastward*, pass'd in Council, viz. In Council, *January 26. 1731.* Read and accepted.

Sent down for Concurrence. Read and concurred, which is as follows, viz.

UPON Reading and Considering the several Petitions hereafter mentioned, viz. The Petition of *Habijah Savage* Esq; and others, Proprietors of a certain Tract of Land commonly called *Pemaquid*, lying in the *Eastern* parts of this Province, consisting of about *Twelve Thousand Acres*, in Consequence of a Patent granted to their Predecessors, by the President and Council of *New England*, Anno 1631. signed *Ro. Warwicke* and *Ferd. Gorge*, and many Years since Recorded in the Secretary's Office, that their Predecessors had been at very great Expence in building Houses thereon, and enjoyed and improved the same, until a War broke out with the *Indians*. The Petition of *Jonathan Loring*, and several others Proprietors of Lands on *Sheepscot River*, to the *Eastward* of *Kennebeck River*, setting forth, That their Predecessors in the Years 1663. and 1666. purchased of the *Indian Natives* several Tracts of Land, which they enjoyed possessed and improved till beat off by the *Indian War*, &c. The Petition of *Christopher Toppan*, setting forth, That those under whom he holds, purchased several Tracts of Land lying at a place called *Damaris Cotty*, adjoining to *Sheepscot*, which Lands were bought of the Native Owners and Proprietors thereof, Anno 1662. which the *English Purchasers* improved for several Years, till forced away by the *Indians* in open War, their Stock and Improvements all destroyed by the Enemy, &c. And the Petition of *Joseph Roberts* and *Samuel Whittemore*, Owners of a certain Tract of Land lying on *Sheepscot River*, shewing for themselves and the rest of the Proprietors of the said Tract of Land, That their Grand-Father *Nathaniel Draper*, late of *Sheescot*, bought of an *Indian Sagamore*, many Years since, a large Tract of Land lying on the said River; that he entred upon the same, with divers Families, and dwelt there the Space of *Thirty Five Years*, and until they were drove off by the *Indian Enemy*, and their Habitations burnt and destroyed. The several Petitioners setting forth, That the present Owners of those Lands were intending and desirous to Re-settle and improve their Interest by Building and otherways: And in order thereto, had associated to themselves a considerable Number of Persons to pursue their intended Settlements; and several Persons were willing to go and settle the same; that several went and transported Necessaries for the subsisting Numbers of Men with Materials, designing to build in a regular and defensible Manner, but were forced to remove their Effects and Men, being threatned by Col. *David*

Dunbar, who came and compelled them to cease all further Proceedings, with a Number of Men Armed, declaring at the same Time, that he had Powers and Directions from the Crown, to dispose of all the Lands lying to the *Eastward* of *Kennebeck River*, upon certain Conditions and Limitations, and no one Person should settle there but by and under him; for he valued not any Titles they pretended to. Wherefore the aforesaid Petitioners were necessitated to apply to this Great and General Court, to whose [88] Jurisdiction the said Lands are subjected. Inasmuch as the Lands contained in the several above recited Petitions, as well as all the Lands lying *Eastward* of *Kennebeck River* to *Nova Scotia*, were by the *Royal Charter* of King *William* and Queen *Mary*, given and granted to His Majesty's Subjects the Inhabitants of this Province, and put under the Care, Authority and Jurisdiction of this Government: The Legislature here have therefore from Time to Time treated the Inhabitants settling in those *Eastern* parts, as the rest of His Majesty's Subjects under this Government, and took care of and afforded them Protection, by ordering them a Number of Forces in the Pay and Subsistence of this Government, to secure them from the Incursions of the *Indians* Anno 1715. who insulted and threatned them, and endeavoured to terrify the People intending to settle those parts; It then being a Time of Peace with the *Indians*, and when a War broke out, the Government made an Addition to the Forces, that the Settlers might be in Safety, and carry on their intended Settlements in a good, regular and defensible Manner; which put this Government to the Expence of large Sums of Money. Further Care was also had respecting those that lived there, that Law and Justice might be administred among them; and the Lands *Eastward* of *Kennebeck* were annexed to the County of *York*, and they capable of suing and being sued in the Courts of Justice established there by this Government. All this notwithstanding, the Committee are of Opinion, that altho' the Petitioners may have met with great Abuses, and unjustifiable Treatment from the aforesaid *David Dunbar*, or others under him, (and not to be questioned by a bare pretence of Power only of erecting Government by Authority from home, in any of those parts) yet the Courts of Common Law, being by Law statedly open there, as in the rest of the Counties within this Province, the Petitioners or whoever else that have been trespassed upon by the said *David Dunbar*, or any under him, may bring their Actions in Damage against him or others, where doubtless Justice will be done to the injured Party.

The Committee are further of Opinion, that forasmuch as the aforesaid *David Dunbar*, hath in an unheard of Way and Method, traduced and tempted several of His Majesty's good Subjects to remove themselves and Families, and take up Grants of Lands under certain Conditions stipulated between them, giving out, that the Lands were never before disposed of to any Persons,

or any Improvements made thereon; the contrary of which is very well known to many here, several holding Lands there, some by Grant and Patent from the Crown, others by Purchase from the Aboriginal Natives, and considerable Improvements made, and vast Sums of Money long since expended to bring those Lands to, and great Numbers lost their Lives in defending their Estate from the *French* King's Subjects, aided and assisted by the *Indians*, in a War with this Government. Lest therefore these unwarrantable Proceedings of Mr. *Dunbar* (he not having exhibited from his arrival in these parts to this Day, any Commission or Exemplification thereof to His Excellency the Governour, Captain General and Commander in Chief in and over this His Majesty's Province of the *Massachusetts-Bay*, or to any Governour preceding him for his thus acting) should he presume to continue his Deceit and artful Contrivances, to allure some incautious People to purchase Lands of him, which in the End may be the means of impoverish-[89]ing themselves, and prove ruinous to many Families that are now in a good way of Life, an Account of the Order and Proceedings taken by His Majesty in Council, and the Opinion of the Attorney and Solicitor General on the Petitions of some Gentlemen relating to their Title and Property in some of the Lands *Eastward of Kennebeck*, as well as touching the Jurisdiction thereof, be herewith made publick, that so the true State and Scituation of the whole Matter affecting those Parts, may reach the Knowledge of all such as are desirous thereof; which being done, His Majesty's Subjects will not be so liable to be imposed on by the Insinuations of any whomsoever.

The Opinion of the Attorney and Solicitor General, referred to in the above Report, is as follows, *viz.*

To the Right Honourable

The Lords Commissioners for Trade and Plantations.

May it please your Lordships,

IN Obedience to your Lordships Commands, signified to us by Mr. *Popple*, referring to us the State of a Case hereunto annexed, concerning the Right to a Tract of Land lying between the Rivers *Kennebeck* and *St. Croix*, and directing us to hear both Parties, and Report our Opinion in point of Law thereupon to your Lordships: And also in Obedience to your Lordships Commands signified to us by Mr. *Popple*, referring to us the several annex'd Petitions of Sr. *Bibye Lake*, Baronet, and others, and of *Samuel Waldoe*, Merchant, on behalf of *Elisha Cooke* Esq; and others, and directing us to Report our Opinion upon the same to your Lordships: We have considered the said State of a Case and Petitions, and find that the said State of a Case sets forth,

That by the *Massachusetts Charter*, [7 Oct. 3 W. & M.] It is Ordained, That the Territories and Colonies commonly called and known by the Name of the Colony of the *Massachusetts-Bay*, and Colony of *New-Plimouth*, the Province of *Main*, the Territory called *Accada* or *Nova Scotia*, and all that Tract of Land lying between the said Territories of *Nova Scotia* and the said Province of *Main*, be erected, united and incorporated, and they are hereby erected, united and incorporated into one real Province, by the Name of the Province of the *Massachusetts-Bay* in *New-England*.

And that their Majesties do thereby grant unto the Inhabitants of the said Province or Territory of the *Massachusetts-Bay*, and their Successors, all that part of *New-England* in *America*, lying within the Boundaries in the said *Charter* particularly mentioned; and also the Lands and Hereditaments lying and being in the Country or Territory commonly called *Accada* or *Nova Scotia*, and all those Lands and Hereditaments lying and extending between the said Country or Territory of *Nova Scotia*, and the River of *Sagadahock* (or *Kennebeck*) or any part thereof, and all Lands, Grounds, Places, Soils, Woods and Wood Grounds, Havens, Ports, Rivers, Waters, [90] and other Hereditaments and Premises whatsoever, lying within the said Bounds and Limits aforesaid, and every part and parcel thereof; and also all Island and Islets lying within Ten Leagues directly opposite to the main Land within the said Bounds; and all Mines and Minerals, as well Royal Mines of *Gold* and *Silver*, as other Mines and Minerals whatsoever in the said Lands and Premises, or any part thereof: TO HAVE AND TO HOLD the same, with their and every of their Appurtenances, to the said Inhabitants of the *Massachusetts-Bay*, and their Successors, to their only proper Use and Behoof for ever; TO BE HOLDEN of their Majesties as of their Mannor of *East Greenwich*, &c. YIELDING therefore yearly one fifth part of all *Gold* and *Silver* Oar, &c.

That in the Clause in the said *Charter*, directing the choice of the Counsellors or Assistants of the said Province, who are to be Twenty Eight in Number, it is ordered, That Eighteen of them at least shall be Inhabitants or Proprietors of Lands within the Territory formerly called the Colony of the *Massachusetts-Bay*, and Four at least of the Inhabitants or Proprietors of Land within the Territory formerly called *New-Plimouth*, and Three at the least of the Inhabitants or Proprietors of Land within the Territory formerly called the Province of *Main*, and one at the least of the Inhabitants or Proprietors of Land within the Territory lying between the River of *Sagadahock* and *Nova Scotia*.

That there is power given to the Governour and Council to impose Taxes, &c. upon the Estates and Persons of the Inhabitants or Proprietors of the said Province.

That in the said *Charter* is the following *Proviso*.

Provided, that it shall and may be lawful for the said Governour and General Assembly to make or pass any Grant of Lands lying within the Bounds of the Colonies formerly called the Colonies of the Massachusetts-Bay, and New-Plimouth, and Province of Main, in such manner as heretofore they might have done, by vertue of any former Charter or Letters Patents; which Grants of Lands within the Bounds aforesaid, We do hereby Will and Ordain, to be and continue for ever of full Force and Effect, without Our further Approbation or Consent; and so as nevertheless, and it is Our Royal Will and Pleasure, that no Grant or Grants of any Lands lying or extending from the River of Sagadahock to the Gulph of St. Lawrence and Canada Rivers, and to the Main Sea Northward and Eastward, to be made or pass'd by the Governour and General Assembly of Our said Province, be of any Force, Validity or Effect, until We, Our Heirs and Successors shall have signified Our or Their Approbation of the same.

That within the Tract of Land lying between St. Croix and Sagadahock, is a place called *Pemaquid*, where there was a Fort built by *James* then Duke of *York*, to whom that Tract was granted by King *Charles* the Second, in 1664. in order to preserve it from the *Indians*, but the *Indians* afterwards, assisted by the *French*, made an Incursion into the said Tract of Land, and not only demolished the said Fort, but also destroy'd many Families then in a flourishing Condition, which had been settled there under the said Grant to the Duke of *York*. [91]

That soon after the said Charter was granted, [1692.] *Sr. William Phips* was appointed Governour of the *Massachusetts*, in whose Time the said Fort of *Pemaquid* was rebuilt, which was done for a Shew of their Government over that Tract of the Country, but no Settlements of Families were made therein; and the place being in a naked and defenceless Condition, it was in 1696. taken by the *French*, who demolished the said Fort at *Pemaquid*, and the *French* King put that part of the Country under the Government of his Governour of *Nova Scotia*, where his next Garrison then was; and it remained in the possession of the *French*, after the Peace at *Reswick*.

1698.

That the *French*, as a Testimony of their Right to, and Possession of the said Tract, built a Church at the River *Kennebeck*, or *Sagadahock*.

1702. 1703. 1704. 1705.

That *Joseph Dudley* Esq; (then Governour of the *Massachusetts*) several times (by Orders from her then Majesty) press'd the House of Representatives to rebuild the Fort, and restore the Fortifications at *Pemaquid*; upon which the House of Representatives in their Address to the Queen, [24 Octo. 1705.] express themselves as follows.

As to the building a Fort at Pemaquid,

The Expences already made on our Fortresses, Garrisons, Marches and Guards by Sea amounting to more than Eighty Thousand Pounds, a great part whereof is in Arrear and unpaid, besides the daily growing Charge for our necessary Defence, and the prosecution of the War is become almost insupportable, and has brought us under distressing Circumstances, and were the building a Fort at Pemaquid superadded hereto, it would render the Charge far beyond our Ability; and we humbly conceive would be no Security to our Frontiers, or Bridle to the Indians, the Scituation thereof being so much out of their ordinary Road, and upwards of one hundred Miles distant from any part of this Province at present inhabited by the English, and of little or no Advantage to this Province, altho' the Expence in building and supporting the late Fort at Pemaquid, cost not less than Twenty Thousand Pounds, which was not lost by any Neglect of the Government, it being fully supplied for the Defence and Support thereof, but by the Cowardice or Treachery of the then commanding Officer upon the place, who receiv'd his Trial, but was acquitted.

1710.

That the said Tract of Land continued in possession of the *French* to the Year 1710. when it was re-taken by General *Nicholson*, with some Troops sent from hence to take *Nova Scotia*, which together with the said Tract, was then surrendered to the said General, by the *French* Governour, and which was afterwards yielded to the Crown of *Great Britain*, by the 12th. Article of the Treaty of *Utrecht*.

That Col. *Shute*, Governour of the *Massachusetts*, by His Majesty's Orders, [7th Nov. 1716.] recommended to the House of Representatives, the refitting the Fort of *Pemaquid*, or the building some Fort near that place, that might be a greater Security to their Frontiers; upon which the said [92] House of Representatives sent the following Message to the Governour. [10th. April, 1717.]

That upon a further Consideration of His Excellency's Speech to the Court at the beginning of last Sessions, the House are humbly of Opinion, that considering the low Circumstances of this Province, and the heavy Debts that are upon it, that His Majesty's Subjects here are not able to come into so great a Charge, as the rebuilding the Fort at Pemaquid would be: And that in case of a Rupture, a Fortification there would be no great Security to the Lives and Estates of His Majesty's Subjects here, as our past Experience has abundantly convinced us; by Reason that Pemaquid is at so great a distance from our English Settlements: But that at all Times, what shall be necessary for the Defence and Preservation of the Government here, we as good and loyal Subjects, shall readily and chearfully comply with.

That this Tract of Land (which is reputed part of *Nova Scotia*) did thus lie wast and uninhabited, tho' capable of very great Improvements, and by the Scituation thereof, the Lands in those parts, with respect to their Produce, Harbours and Fisheries, are of more value than any others in that part of *America*, and would produce considerable Quit-Rents, if the Right thereto is in the Crown; so that the Title to the Government, as well as to the Property in the Soil, is of very great Consequence: And therefore, upon a Representation to His Majesty in Council, That some *Protestants* from *Ireland* and from the *Palatinate*, were desirous to settle upon the said Tract of Land, lying between the Rivers *St. Croix* and *Kennebeck*, (*Sagadahock*) extending about One Hundred and Eighty Miles in length on the Sea Coast, His Majesty directed, that His Surveyor of the Lands in *Nova Scotia*, should assign them Lands according to their desire, which he accordingly did about a Year ago, and several Families are now settled thereon, and improving the same, which were afterwards to be ratified to them.

That the Inhabitants of the *Massachusetts-Bay*, who till this Time always neglected the said Tract of Land, as very inconsiderable, and not worth their Notice; claim not only a Right to the Government, but also to the Lands in the said Tract; and the Government there threatens to drive the Families (now settled there) immediately out of the same.

That the Inhabitants of the *Massachusetts* do not now pretend any Right to that part called *Nova Scotia*, which is likewise included in their *Charter*; and the said Tract of Land is reputed part of *Nova Scotia*, tho' it is differently described in the *Charter*.

Upon this State of the Case, the Questions proposed to us were,

1. Whether the Inhabitants of the *Massachusetts-Bay*, (if they ever had any Right to the Government of the said Tract of Land, lying between *St. Croix* and *Kennebeck*, (or *Sagadahock*) have not by their Neglect and even Refusal to defend, take care of and improve the same, forfeited their said Right to the Government, and what Right they had under the *Charter*, and now have to the Lands?

2. Whether by the said Tract being Conquered by the *French*, and after-[93]wards Re-conquered by General *Nicholson* in the late Queen's Time, and yielded up by *France* to *Great Britain* by the Treaty of *Utrecht*, that part of the *Charter* relating thereto became vacated? And whether the Government of that Tract and the Lands thereof, are not absolutely re-vested in the Crown, and whether the Crown has not thereby a sufficient Power to appoint Governours, and assign Lands to such Families as shall be desirous to settle there?

The said Petition of *Sr. Bibye Lake* and others sets forth, That the said Captain *Thomas Lake*, the Petitioner's late Grand-Father, and the said Major *Thomas Clarke*, joined in making several Purchases of the *Indian* Sagamores

or Chiefs, and others in the *Eastern* parts of the *Massachusetts-Bay* in *New-England*, of and in all those Lands lying upon the River *Kennebeck*, extending from the *Northmost* part of *Cape Sacautry* on both sides of the said River *Kennebeck*, reaching Ten Miles into the Woods on each side of the said River *East* and *West*, and so extending *Southward* into a certain place called by the Name of a *Sworne*; all which is about Four Leagues in length *South* and *North*, together with all Ponds, Creeks, Coves, Woods, Under-Woods, Mines, Minerals, Privileges and Appurtenances, and all those Lands lying on both sides the said River *Kennebeck*, namely, From the lower end of a certain place called *Noaguamket*, which is a little below some Islands in the said River *Kennebeck*, and so going up the River Four Miles above the Falls of *Toconock*, and reaching Ten Miles into the Woods on both sides of the said River *Kennebeck*, with all Woods, Underwoods, Mines, Minerals and Privileges thereunto belonging, and also free passage for Vessels up and down the said River *Kennebeck*; and all that Tract of Land lying near or about *Wakfroug*, with all Rights and Privileges thereunto belonging; And all that Tract of Land lying near or about *Aguascorougan*, adjoining to *Kennebeck* River on the *North-West* and so *South-West*, to the *Southermost* Island of *Neguombay*, and Six Miles from *Toconock* Falls *Eastwards*, and for Fifteen Miles all along from the said River *Kennebeck*, into the main Land *South-Eastwards* together with all Rights and Privileges as well by Water as by Land thereto belonging; and all that Island lying on the *East* side of the said River *Kennebeck*, called *Arrowsick*, or *Richmond's Island*, and all Houses, Woods, Underwoods, Ponds, Waters, Swamps, Mines and Profits thereunto belonging; And all that place or Seat of Ground called *Negwasseg*, lying between the Bounds of *Sagadahock* River on the *Western* side, and *Sheepscot* River on the *Eastern* side, one great Pond on the *North* side, and *Negwasseg* River on the *South-West* side, with a Wigwam, or *Indian House*; and all that other House wherein *James Cole* dwelt, with all Out-Houses and inclosed Grounds, and all wast Grounds bounded as followeth, *viz.* *Sagadahock* River on the *West* or *Westerly*, & so to *Merry-Meeting* Creek, and from thence to the *Northward* Eight Miles up into the Country, and from thence and *Easterly* to *Sheepscot* River, and from thence to a place called *Tepenegine*, *Southerly*, and from thence all along *Mouswaggan Bay*, and so along to *Russeck*, and from *Russeck* to *Tirseck*, and from thence to *Merry-meeting*, all along *Sagadahock* River as aforesaid, together with all Rivers, Ponds, Brooks, Coves, Inlets, Meadows, Woods, Underwoods, Mines, and all other Privileges, Advantages and Profits, as by Authentick Copies of the Original Deeds of Purchase, acknowledged by the said *Indian* Sagamores, and Entred and Recorded at *Boston* in *New-England* aforesaid, (according [94] to the Laws of the said Province) then in the Petitioner's Custody, and and ready to be produced, might appear.

That the said *Thomas Lake* and *Thomas Clarke*, being equally interested in, and intituled as Tenants in Common to the said Lands and Premises, did in or about the Year 1650. and from and after that Time, erect and build several Houses and Out-houses, and several Saw-Mills on the said *Arrowsick Island*, *Negwasseg*, and other places on the main Land, between the said *Kennebeck River* and the River *Penobscot*, and cleared and made many Inclosures, and brought and encouraged many Families to come and inhabit the same; and had several large Farms, whereon were very great Stocks of Cattle, and built and made several Grist-Mills, Bake-Houses, Smiths Shops, Coopers Shops, and other Conveniencies for Handy-Craft Trades, and caused to be built several Ships, Boats and Vessels, which they fitted out and victualled and loaded them with the Produce of the said Premises, for *Boston* and other parts, wherein the said *Thomas Lake* and *Thomas Clarke* expended between them to the amount of *Twenty Thousand Pounds*, and upwards.

That in the Years 1673, 1674, and 1675. the General Court assembled at *Boston*, for Government of the Province of the *Massachusetts-Bay* in *New-England*, did Order, That the said *Eastern* parts within their Jurisdiction, whereof the aforesaid Lands and Premises are part, should be called *Devonshire*; and by reason of the great Distance of those parts from *Boston* aforesaid, did empower the Governour of the said Province, with Four more of the Assistants of the said General Court, to appoint proper and fit Persons to be Commissioners to hold a County Court, and Courts for ending of small Causes; and that such Commissioners should have Magistratical Power to punish Criminal Offences, to Marry, and to settle the Militia at *Pemaquid*, *Cape Nawaggen*, *Kennebeck*, *Negwasseg*, *Sagadahock*, *Damarillis Cove*, *Mouhegin*, and other places within the said County of *Devon*; and to administer Oaths to Constables & other Officers, and to exercise all necessary Jurisdiction both Military & Civil, for the better Government and Protection of the said County of *Devon*, within the Line of their Patent; and that the said *Thomas Lake* and *Thomas Clarke*, were appointed Commissioners with others for the Purposes aforesaid, as by Authentick Copies of the Orders of the said General Court then in the Petitioner's Custody, ready to be produced, might appear.

That in the latter end of the Year 1675. or in the beginning of the Year 1676. a War broke out with the *Indians*, who invaded the said County of *Devon*, and killed the said *Thomas Lake* in Defence of the said Settlements, and afterwards burnt, ruined or destroyed all or the greatest part of the said Settlements, and killed or drove away their Tenants and Cattle therefrom.

That the said Major *Thomas Clarke* escaping the *Indians*, survived the War, and afterwards returned to the said Lands, and with the Concurrence and Assistance of the Widow of the said *Thomas Lake*, the Petitioner's late

Grand-Mother, endeavoured with a very great Expence, to re-settle the Premises, and to repair and rebuild the several Settlements ruined or destroyed by the *Indians* as aforesaid; and proceeded therein, until such time [95] as a new War broke out with the *Indians*, who again invaded, burnt, ruined or destroyed all such their new Works and Settlements, and killed or drove away their Tenants and Cattle from off the Premises, after which no further Attempt could be made to re-settle the same, by reason of the frequent Incur-sions of the *Indians*, and of the continued War or Hostilities between them and the *English* in those parts, until the Peace was concluded at *Utrecht*; upon which Hostilities ceasing, the Petitioner, in Conjunction with the said *Josiah Walcot* and Colonel *Hutchinson*, did after the said Peace at *Utrecht*, in the Year 1714. send over from hence Mr. *John Watts*, a very careful and understanding Person, to *Arrowsick Island*, and the other Premises, in order to re-settle the same, and did empower him to settle there One hundred Families; and the said Mr. *Watts* did accordingly go over for that purpose, with his Family; and the Petitioner did advance to the said Mr. *Watts*, *Two Thousand Pounds* and upwards, towards his Proportion of the Charge to be expended by him the said Mr. *Watts*, in making such intended Settlements, exclusive of what the said Colonel *Hutchinson* and Mr. *Walcot* did advance for that purpose: And the said Mr. *Watts* was very industrious in making several Settlements, and building and making several Mills, Houses, and other Improvements for Convenience and Defence against Insults from the *Indians*, and had settled there upwards of Twenty Families, but died before he had compleated all the intended Settlements; upon whose Death, Mr. *Penhallow* marrying his Widow, lived there, and look'd after and took care of the said Settlements in the best Manner he could, till a new War broke out with the *Indians* in or about the Year 1722, or 1723. when the *Indians* again invaded those parts, and came down in a great Body, and burnt, ruined or destroyed all such Mills and Settlements as the said Mr. *Watts* had made, except a fortified House, which the said Mr. *Watts* had caused to be built on the said Island of *Arrowsick*, for Protection against them, which together with some other Houses which were under the Defence thereof, the said *Indians* several Times attacked, and attempted also to burn or destroy, but were repulsed and forced to retire from the same; and which Houses are now standing, but the *Indians* killed or drove away their Cattle from thence, and also the Tenants and Cattle from their other Settlements.

That since this last War ended, the Petitioner, with the said Colonel *Hutchinson* and Mr. *Walcot*, were endeavouring to repair and re-settle the Premises, and to encourage several Families to go and settle thereon, but were prevented by Colonel *Dunbar*, Surveyor General of His Majesty's Woods in *America*, who pretended some Instruction or Commission from His Majesty, to make

Settlements within the Limits of their Lands, and in other places in the *Eastern* parts in the Province of the *Massachusetts*, and to erect the same into a separate Government from that Province, altho' the same is included in the *Charter* granted to the Subjects of the said Province. And notwithstanding the said Colonel *Dunbar* hath since his arrival there been waited upon, and made fully acquainted by the said Colonel *Hutchinson* with the Matters aforesaid, and with his, Mr. *Walcot's* and the Petitioner's Title to their said Lands and Premises; yet he insists, that he shall be obliged to enter upon and make Settlements therein, unless His Majesty shall be graciously pleased to forbid or restrain him from so doing. [96]

That Colonel *Dunbar's* Pretensions have not only discouraged all Persons from going to settle the Premises, but have terrified such Tenants as the Petitioner and the said Colonel *Hutchinson* and Mr. *Walcot* have there, from enlarging or improving their Settlements: All which the Petitioner apprehended to be his Duty humbly to represent to His Majesty.

That the Petitioner, the said Colonel *Hutchinson* and Mr. *Walcot*, being intituled to the said Premises by Purchase from the *Indian* Sagamores or Sachems, allowed of and approved by the General Court for the Government of the *Massachusetts* Province, and confirmed by the several *Charters* granted to the Subjects of the said Province, and they and their Successors having endeavoured all that in them lay to settle the Premises, at such great Pains and Expence, and having from Time to Time sustained such great Losses therein as aforesaid, and being resolved to compleat the same with all possible Speed, which they humbly apprehend will be of great Advantage to the Trade of this Kingdom.

The Petitioner therefore in behalf of himself and of the said Colonel *Hutchinson* and Mr. *Walcot*, most humbly prayed His Majesty, to send the necessary Orders or Instructions to the said Colonel *Dunbar*, not to intermeddle or molest the Petitioner and the said Colonel *Hutchinson* and Mr. *Walcot* in the said Premises, to which they are legally intituled as aforesaid; and that the said Colonel *Dunbar* do not obstruct or disturb them, their Tenants and Agents in carrying on their Settlements, on any pretence whatsoever; and that the Petitioner and the said Colonel *Hutchinson* and Mr. *Walcot* may be quieted in the possession thereof, under the Government of His Majesty's Province of the *Massachusetts*, and may be at liberty to proceed to settle the Premises without Molestation.

The said Petition of *Samuel Waldo* on behalf of *Elisha Cooke* Esq; and others, sets forth,

That the Council established at *Plimouth* for the Planting, Ruling, Ordering and Governing *New-England* in *America*, by Deed Poll under their common Seal, and signed by *Robert* then Earl of *Warwicke*, did Grant, Bargain,

Sell, Enfeoffe, Allot, Assign and Confirm unto *John Buchamp* and *Thomas Leveret*, their Heirs, Associates and Assigns, all and singular those Lands, Tenements and Hereditaments whatsoever, with the Appurtenances thereof in *New-England* aforesaid, which are scituate lying and being within or between a place there commonly called or known by the Name of *Muscongus*, towards the *South* or *South-West*, and a strait Line extending from thence directly Ten Leagues up into the main Land and Continent there, towards the great Sea, commonly called the *South Sea*, and the utmost Limits of the Space to Ten Leagues on the *North*, *North-East* of a River in *New-England* aforesaid, commonly called *Penobscot*, towards the *North* and *North-East*, and the great Sea commonly called the *Western Ocean* towards the *East*, and a strait and direct Line extending from the most *Western* part and point of the said strait Line, which extends from *Muscongus* aforesaid, towards the *South Sea*, to the uttermost *Northern* Limits of the said Ten Leagues on the *North* side of the said River of *Penobscot* towards the *West*; and all Lands, Grounds, Woods, Soils, Rivers, Waters, Fishings, Hereditaments, Profits, [97] Commodities, Privileges, Franchizes and Emoluments whatsoever, scituate, lying and being, arising, happening or renewing within the Limits and Bounds aforesaid, or any of them; together with all Islands that lie and be within the Space of Three Miles of the said Lands and Premises, or any of them; TO HAVE AND TO HOLD all and singular the said Lands, Tenements, Hereditaments and Premises whatsoever, with the Appurtenances, and every part and parcel thereof, unto the said *John Buchamp* and *Thomas Leveret*, their Heirs, Associates and Assigns for ever: To be holden of the then King's most excellent Majesty, His Heirs and Successors, as of His Mannor of *East Greenwich* by *Faalty* only, and not in *Capite*, nor by *Knights Service*. Yielding and paying unto His said Majesty, His Heirs & Successors, the fifth part of all such Oar of *Gold* and *Silver*, as should be gotten and obtained in or upon the Premises.

That under this Grant the said *John Buchamp* and *Thomas Leveret* entred on and were actually possessed in their Demesne, as of Fee of and in the said Tract of Land thereby conveyed to them, and made very considerable Settlements and Improvements thereon; but on the breaking out of the great War with the *Indians* in 1675. their said Settlements, together with all that part of the Country were destroyed, and which War held till the time of the Treaty of *Utrecht*; saving only, that there might be during that Time, some Intermissions therein, but as the same were very short and precarious, there was no possibility of attempting any Settlements during such Intervals.

That the said *Thomas Leveret* survived the said *John Buchamp*, by virtue whereof he became solely intituled to the Benefit of the said Grant; and on his Decease, all the said Lands and Premises became vested in the said *John*

Leveret, Son of the said *Thomas Leveret*, the surviving Grantee, to whom the Petitioner *Mary Rogers* is Heir at Law.

That Sr. *William Phips*, then Governour of *New-England*, not knowing, as is presumed, of the said *John Leveret's* Right to the said Land, treated and agreed with *Madakawando*, who was Sagamore or chief Sachem or King of the *Penobscot Indians*, for the Purchase thereof; and accordingly the said *Madakawando*, for a valuable Consideration, by his Deed Poll dated the Ninth of May 1691. *Granted, Released, Confirmed, Enfeoffed, Bargained and Sold* the said Lands and Premises to the said Sr. *William Phips* in Fee, which Deed was afterwards, viz. the Tenth of May 1694. personally acknowledged by the said *Madakawando*, before Two of the Members of his then Majesty's Council of *Massachusetts* Province, and has been since acknowledged and allowed of by the chief Sachems of the *Indians* and their Tribes, and particularly was shewn to and acknowledged of by them so lately as the 4th Day of *August* 1726.

That after the Peace of *Utrecht*, which was also attended by a Peace with the *Eastern Indians* of *New-England*, the said *John Leveret* formed to himself an Intention of re-settling the said Land with all possible Vigour and Dispatch; but in regard all the old Settlements were demolished, apprehending the Undertaking too Extensive for a single Person, he invited and a-[98]greed with several Gentlemen of considerable Substance and Fortune to associate and join with him therein; and having brought his Designs to a Degree of Maturity in the Year 1719, that nothing might lay in his way, and to remove all possible Obstruction, and as an *Additional Strength* to, and *Confirmation* of his Title, and thereby the more to encourage his Associates to carry on the said Settlements with Spirit and Vigour, the said *John Leveret* treated and agreed with *Spencer Phips* Esq; adoped Son and Heir, and also Devisee of the said Sr. *William Phips*, to purchase out his Interest in the said Premises. And accordingly the said *Spencer Phips*, by his Deed Poll, indors'd on the said *Indian Purchase Deed*, and bearing Date the 13th Day of *August*, 1719. for a full and valuable Consideration, *Released, Assigned, Conveyed and Confirmed* to the said *John Leveret*, as well the said Deed from the said *Medakawando* to the said Sr. *William Phips*, as also all the Tracts and parcels of Land thereby granted and conveyed to the said Sr. *William Phips*, and which are mentioned in the said Deed, to be then in the Seizin and Possession of the said *Leveret*, with their Appurtenances: To hold to the said *John Leveret*, his Heirs and Assigns, to his and their only proper Use and Benefit for ever.

That the said *John Leveret* having thus a secure Title in him to the said Tract of Land, both by Grant from the Crown, and by Purchase from the *Indians*, which is always held inviolable in these parts; and having Associated several Gentlemen of considerable Fortune to join with him in settling

and improving these Lands, for the better effecting the same, the said *John Leveret* by Deed of Association, bearing Date the 14th Day of *August*, 1719. admitted the Petitioners *Elisha Cooke*, *Nathaniel Hubbard*, *Hannah Davis*, *Rebecca Loyd*, *Sarah Byfield*, *John Bradford* and *Spencer Phips* as Associates to and with himself in the said Lands and Premises, conveying to each of them such Parts and Shares of the said Land, as in the said Deed is particularly mentioned. And by another Deed of Association, bearing Date the 15th Day of the same Month of *August*, between the said *John Leveret* and the last named Petitioners of the one part, and the Petitioners *Jahaleel Brenton*, *John Clarke*, *Samuel Brown*, *Thomas Fitch*, whose Right is vested in the Petitioner *John Fitch*, *Adam Winthrop*, *Samuel Thaxter*, *Oliver Noyes*, *Stephen Minot*, *Anthony Stoddard*, *Thomas Westbrook*, *Thomas Smith*, *John Smith*, *Joseph Appleton*, whose Right is now vested in the Petitioner *Nathaniel Appleton*, *Thomas Fayreweather*, *Henry Franklyn*, *Gilbert Bant*, *Benjamin Bronsden*, *William Clarke*, *John Oulton*, *Jonathan Waldo*, *Cornelius Waldo* and *John Jefferies* of the other part, reciting the several Deeds aforesaid, the said last named Petitioners and those under whom they claim as aforesaid, are admitted and joined together as Associates in the said Lands and Premises, and such parts thereof allotted to them, as in the said last Deed is particularly mentioned, the whole to be divided into Thirty equal parts. TO BE HOLDEN by all the said Petitioners and those under whom they claim as aforesaid, their respective Heirs or Assigns for ever, as Tenants in Common, and to be no Survivorship, with proper Covenants, each obliging the other to procure People to plant, settle and inhabit Two Towns of Eighty Families each, in a Christian manner, in and upon the said Tract of Land, under such Limitations, Conditions and Reservations, as in the said Deed is expressed; and to erect Two Saw-Mills on the said Land. And [99] for the better Ordering and Regulating the said designed Settlements, it was covenanted and agreed, that the Extent of the said Two Towns should be described, and that the same should be laid out in a regular and defensible Manner upon *St. George's River*, and that proper Lotts in each Town should be set apart for a Minister and a School, unalienable; and that Lands should be also set apart to be bestowed on the Settlers in the said Townships, with Covenants for the Association to do the utmost for the compleating and perfecting the said designed Settlements.

That the rest of the Petitioners have since purchased several Parts of Shares from the other Petitioners in the said Lands.

That hereupon the Petitioners and those under whom they claim, immediately began on making the said Settlements; and soon after they agreed to have as much Land broke up and cultivated, as would accommodate a sufficient Number of Families for Two or more Towns, to consist each of Eighty Families at least, and the Houses for their Reception to be made com-

fortable. And in order to prosecute and effectually bring forward the said intended Settlements, they built and finished Two strong large Block-Houses, with a covered Way from them to the Water side, to secure the Men from the Incursions and Injuries of the *Indians*, who daily resorted there in great Numbers, and oft times threatned those employed in building and clearing the Land, who used several Stratagems to get them from off those Lands. And the Petitioners also built a double Saw-Mill to facilitate the Settlements, and bought a Sloop, and hired Men to transport People and their Effects, besides several other Sloops employed by them in the said Undertaking; and had for above Twelve Months a Captain and Twenty Soldiers, whom they paid and subsisted in the said Block-Houses, and who were provided with great and small Artillery, to defend themselves and the Workmen from the Attacks of the *French Indians*, at the sole Charge of the said Association.

That by this Means, notwithstanding the great many Disturbances they received from the *French Indians*, the Petitioners very vigorously pushed forward in settling and bringing those Lands into a Capacity of receiving and securing a Number of Inhabitants, and actually built and erected several Houses thereon.

That in *June 1721*. the *French Indians*, to the Number of *Two Hundred*, surprized, took and burnt one of the Petitioner's Sloops, and killed one of their Men, and took Six Captives, and then immediately made up in a Body to the *Block-Houses*, and the next Day attacked them with Fire-Arms for several Hours, and used several Devices to have burnt the *Block-Houses*, but were defeated by the Courage of the Men employed by the Petitioners: But in this Attack the Petitioners were great Sufferers, the *Indians* having killed one and taken Six Prisoners, burnt their Saw-Mill, a large Sloop and sundry Houses, and killed many of their Cattle. But notwithstanding this great Destruction made on the Petitioners, they still kept and maintained the Two *Block Houses* with Men and Warlike Stores and Provisions for several Months afterwards, altho' the Government of the *Massachusetts* had proclaimed War with these *Indians*, and the other *Eastern Tribes*. [100]

That the Petitioners being by this War incapacitated from pursuing the Settlements they had so successfully begun, were obliged to desist therefrom, but they yet held the two *Block-Houses*, and defended the same against a Siege laid to them by the *Indians* for twelve Days together, & killed Twenty of the Enemy; and apprehending the same might be of great Service to the *Massachusetts* Government in carrying on the War, they made a Tender of them to the Government there during the War, and until the Petitioners should have Occasion to use them for the Purposes at first designed: Which Offer the Government accepted, and to whom they proved of great Service in the War, and were the sole Means of keeping that part of the Country

from falling into the Hands of the *Indians*, and have ever since continued under the Protection of the Government; and since the War ended, a Truck-House is erected in the Block-Houses, which are used as Magazines or Store-Houses for *Indian Goods*.

That on the ending that War, the Petitioners again resolved to continue and go on with their said Settlements, and for that purpose they applied for and obtained a Letter from *Samuel Shute* Esq; then Governour of the *Massachusetts-Bay*, to the chief of the said *Penobscot Indians*, to facilitate the Petitioners going on with and finishing their said Settlements; but soon after another War broke out with those *Indians*, which then prevented the Petitioners further Proceeding in their intended Settlements. But a Peace being again concluded with them, some short Time before Mr. *Burnet's* coming to that Government, the Petitioners being still intent and resolved on bringing forward and finishing the said Settlements, obtained a like Letter from Governour *Burnet*, as they had before done from Governour *Shute*, and were going on to settle and improve those Lands with all possible Vigour and Dispatch, and had actually got a Minister and One Hundred and Twenty Families ready to go and settle one of the said intended Towns: But to their great Surprise, Disappointment and Loss, the Petitioners have met with an Interruption from *David Dunbar* Esq; Surveyor General of His Majesty's Woods in *America*, who being waited on by a Number of the Petitioners, hath forbid the Petitioners from going on with the said Settlements; and informed the Petitioners, that he could not permit their going on with their Settlements on any other Terms, but their taking Grants from him, in the same manner as if they had not already any Title thereto: Upon which the Petitioners informed Mr. *Dunbar*, that they thought it their Duty to lay before His Majesty the Matters aforesaid, and Mr. *Dunbar* promised the Petitioners not to intermeddle with the said Lands, till His Majesty's Pleasure should be known.

Therefore, as the Petitioners have so clear a Title to their Lands, both by Grant from the Crown, and Purchase from the Natives, and have had the possession thereof for so many Years, and been at very great Expende in erecting the said Block-Houses, and several other Buildings thereon, and defending the same in the Manner before stated, and in their Endeavours and Attempts to improve and settle the same, which had been long since compleated by the Petitioners, but from the unavoidable Interruptions given them by the Wars; but have always by means of their Block-Houses kept possession thereof, and thereby guarded and protected all that part of [101] the Country; and as the Petitioners are determined to compleat the said Settlements with all possible Dispatch, which being of great Advantage to the Province of the *Massachusetts*, and His Majesty's Interest here.

The Petitioners in consideration of the Premises, most humbly pray'd His

Majesty, That His Majesty would be pleased to send the necessary Orders or Instructions to the said *David Dunbar*, not to intermeddle with the said Tract of Land, to which the Petitioners are so entituled as aforesaid; and that he do not interrupt, obstruct or disturb the Petitioners in carrying on their Settlements there, on any pretence whatsoever; that so the Petitioners may be quieted in the Enjoyment thereof, and carry on the Settlements intended by them without Molestation.

And we certify your Lordships, That we have been attended by Mr. *Paxton*, Solicitor for the Affairs of His Majesty's Treasury, and by the respective Agents of the Province of the *Massachusetts-Bay* in *New-England*, and of the Petitioners, and have heard Council on behalf of the Crown, and of all the said Parties; at which hearing were laid before us a Copy of the *Charter* granted by their late Majesties King *William* and Queen *Mary*, on the 7th Day of *October*, in the Third Year of their Reign, to the Inhabitants of the said Province of the *Massachusetts-Bay*, and the several Affidavits hereunto annexed, together with Copies of divers Conveyances of particular Parcels of Land lying within the Tract in Question, which were certified under the Seal of the said Province.

Upon considering the said Case and Questions, and the Evidence laid before us, and what was alledged on all sides, it appears to us,

That all the said Tract of Land lying between the Rivers of *Kennebeck* and *St. Croix*, is (among other things) granted by the said *Charter* to the Inhabitants of the said Province; and that thereby Power is given to the Governour and General Assembly of the said Province, to make Grants of Lands within the said Limits, subject to a *Proviso*, That no such Grants should be of any Force, until their said late Majesties, their Heirs or Successors should have signified their Approbation of the same.

It appears also by the said *Charter*, That the Rights of Government granted to the said Province, extend over this Tract of Land.

It doth not appear to us, that the Inhabitants of the said Province, have been guilty of any such Neglect or Refusal to defend this part of the Country, as can create a Forfeiture of that subordinate Right of Government of the same, or of such Property in the Soil, as was granted to them by the said *Charter*; it being Sworn by several of the said Affidavits, that a Fort was erected there, and for some time defended at the Charge of the Province, and that Magistrates and Courts of Justice have been appointed within this District; and that one of the Council of the Province hath always been chosen for this Division. And tho' it is certain that this part of the Province hath not been improved equally with other parts thereof, yet considering the vast extent of Country granted by this *Charter*, and the great Improvements made in several parts of it, we conceive that will not [102] create a Forfeiture;

because in such a Case, it is not to be expected that the whole should be cultivated and improved to the same Advantage: And whether there hath been such a Neglect or Non-use of any part, as may amount to a Forfeiture, must be adjudged of not upon the particular Circumstances attending that part only, but upon the Circumstances of the whole.

And if the Province had incurred any Forfeiture in the present Case, no Advantage could be taken thereof, but by a legal Proceeding by *Scire facias* to Repeal their *Charter*, or by Inquisition, finding such Forfeiture.

As to the Question stated in the Case, upon the Effect of the Conquest of this Tract of Country by the *French*, and the Re-Conquest thereof by General *Nicholson*, we conceive that the said Tract not having been yielded by the Crown of *England* to *France* by any Treaty, the Conquest thereof by the *French*, created (according to the Law of Nations) only a Suspension of the Property of the former Owners, and not an Extinguishment of it; and that upon the Re-Conquest of it by General *Nicholson*, all the ancient Rights both of the Province and of private Persons, Subjects of the Crown of *Great Britain*, did revive and were restored *jure postliminei*. This Rule holds the more strongly in the present Case, in regard it appears by the Affidavits, that the Province joined their Forces to those which came thither under the Command of General *Nicholson* in this Service.

For these Reasons, we are of Opinion, that the said *Charter* still remains in Force, and that the Crown hath not power to appoint a particular Governour over this part of the Province, or to assign Lands to Persons desirous to settle there; nor can the Province grant these Lands to private Proprietors, without the Approbation of the Crown, according to the *Charter*.

As to the Case of the Petitioners in the two Petitions referred to us, who insist upon particular Titles in themselves to certain parcels of Land lying within the District in Question, we have examined into their Claims, and find by the above-mentioned Copies of Deeds and Writings produced by them, that several of the Petitioners and those under whom they claim, have had Conveyances made to them of several of the said parcels of Land, some from the Council at *Plimouth*, which was constituted by *Charter*, in the Reign of King *James* the first, and whose Grants are confirmed by the *Charter* of King *William* and Queen *Mary*, and others from *Indians* pretending to be Owners thereof; under which Grants large Sums of Money appear by the said Affidavits to have been laid out, in endeavouring to settle and improve the Lands therein comprized; several of which Sums were expended not many Years ago, particularly a Sum of *Two Thousand Pounds* by Sr. *Bibye Lake* in the Year 1714. and other Sums of Money by others of the Petitioners in the Years 1719, and 1720. And though these Settlements and Improvements have been in great measure interrupted and defeated by frequent Wars and Incursions of

the *Indians*, yet several of the Petitioners or their Tenants appear to be still in possession of some parts of the said Tract of Land. [103]

Some Objections were made before us to the Nature of the Grants and Conveyances under which the Petitioners claimed, and to the Manner of deducing down their Titles: But we conceive that in Questions of this kind, concerning Rights to Lands in the *West Indies*, and upon Enquiries of this Nature, the same Regularity and Exactness is not to be expected, as in private Suits concerning Titles to Lands in *England*, but that in these Cases the principal Regard ought to be had to the Possession, and the Expences the Parties have been at in endeavouring to settle and cultivate such Lands.

Therefore upon the whole Matter, we are of Opinion, That the Petitioners, their Tenants or Agents ought not to be disturbed in their Possession, or interrupted in carrying on their said Settlements, in the Lands granted to them within the District in Question.

All which, &c.

Aug. 11th. 1731.

P. Yorke,
C. Talbott.

In the House of Representatives, January 27. 1731.

THis House taking into Consideration the Incroachments lately made by the French from the Government of Canada, cannot but look upon it such an Act of Violence offered to the great Dishonour of His Majesty's Crown and Dignity, (the Land on which the Fort is built being under the Territory and Dominion of the Crown of Great Britain) strictly obliges this and the neighbouring Governments, Subjects to the Crown of Great Britain, to use their utmost Efforts and lawful Endeavours to prevent and seasonably defeat the French in their unjustifiable intended Invasion: And when the future Consequences of suffering the French to set down there strong, especially if a War should happen between Great Britain and France, (which God forbid) are examined into, they loudly call upon this and the neighbouring Governments to frustrate such pernicious Designs:

This House do therefore propose, that the French Governour at Quebeck, by Express from this Government, (the neighbouring Governments being in all Duty and Faithfulness to His Majesty equally obliged to engage in this Affair; and without all Doubt, upon Application being made to them, will afford their proportionable Assistance to the well issuing this Business) to let him know, that this Government has of late been sufficiently informed, that a Number of Men armed, with officers commissioned from him, have (tho' with what Secrecy they could) built a House at a place called Crown Point, and stockado'd the same; which this Government cannot but esteem an unjustifiable Incroachment, and very injurious to His Majesty King GEORGE, and directly contrary to an Article in the

Treaty of Peace made and concluded upon at Utrecht; That therefore if he shall not within the Space of Days after Receipt of this Notification, give out his Orders and Directions for the Officers and Soldiers to quit that Place, and that it be effected, he must expect to be compelled thereto. And that he may have Opportunity to satisfy this Government whether he will thus act, the Person empowered to attend him with this Letter, is directed to remain within his Government for the space of And that His Majesty by the first Opportunity, be fully acquainted with the Proceedings of this Court on this important Article. Sent up for Concurrence. [104]

Thomas Palmer Esq; brought down from the Honourable Board, the Report of a Committee appointed to consider of the several Petitions of *Rowland Houghton* and *John Powel* and others, Proprietors of *North-Yarmouth*, pass'd in Council, viz. In Council, *January 27. 1731.* Read, and Ordered, That this Report be accepted.

Sent down for Concurrence. Read, and concurred.

A Petition of *Sarah Wallis* of *Ipswich*, Widow, praying, That she may be empowered to make sale of some Commonage Land in that Town, whereof her late Husband died seized, intestate, she giving Security to the Judge of Probate for the County of *Essex*, to account for the Produce of the same, or under such Restrictions as the Court shall think fit, for Reasons mentioned. Read and the Question put, *Whether the Prayer of the Petition be granted*, and it passed in the Negative.

Ordered, That *Mr. Choat* and *Capt. Alden* be added to the Committee appointed to consider of the Memorial of *Caleb Blogget*, and of *George Brown* and others.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Veneris Die 28. Januarij, A. D. 1731.

A Petition of *Rebecca Baker*, Widow, and Relict of the Reverend Mr. *Daniel Baker* late of *Sherburn*, in the County of *Middlesex*, Clerk, deceased, in behalf of her self, and as Guardian to the said deceased's Daughter *Rebecca*, a Minor, and of *Edmund Quincy* Esq; Guardian, and next Friend to *Elizabeth*, a Minor, another of the said deceased's Daughters, praying, That they may have liberty (under such Restrictions as are necessary, and have been usual in such Cases) to make sale of all, or so much of the said deceased's Real Estate as the Court, or such Person or Persons as they shall appoint, shall judge proper, for Reasons mentioned. Pass'd in Council, viz. In Council, *January 6. 1731.* Read, and Ordered, That the Prayer of this Petition be granted, and that *Edmund Quincy* Esq; with such as shall be

join'd by the Honourable House of Representatives, be and hereby are appointed Trustees for the Widow and Children of the Reverend Mr. *Daniel Baker* deceased, and that they be impowered to make sale of so much of the Real Estate of the said deceased, as they judge necessary and most for the Benefit of the said Widow and Children; and that the said Trustees put out the produce thereof to Interest, for the use of the Widow and Children in equal Parts; the Children to be paid their Portions out of the Principal as they come of Age, or are Married, and the other Third part thereof to be divided betweed them after the Widow's decease.

Sent down for Concurrence. Read and concurred, and *Ordered*, That *William Brattle* Esq; be join'd in the Affair.

Upon a Motion made and seconded, *Ordered*, That the Vote of last Night upon the Petition of *Sarah Wallis* be re-considered, and that the Consideration thereof be referred to the next Session, and that *Joseph Gerrish* Esq; and Mr. *John Hobson*, be a Committee in the mean Time, to repair [105] to the Land which the Petitioner desires to make Sale of, view and consider the Circumstances thereof, and Report at the said Session, what they judge proper to be done thereon.

Mr. *Thomas Cushing*, from the Committee appointed the 20th Instant, to consider of the several County Treasurers Accompts that have not been allowed by this Court, Reported, *viz.*

On the Accompt of the Treasurer for the County of *Suffolk*, Read, Accepted, and accordingly *Ordered*, That the same be allowed, saving *Three Pounds four Shillings* over charged by Mr. Sheriff *Winslow*, for sending out Precepts for the choice of Representatives, (which said Sum the said Sheriff is hereby directed to pay back into the Treasury of the said County) and that His Majesty's Justices of the General Sessions of the Peace for the County afore-said, be and hereby are directed for the future, not to allow any Charge upon that County, for several Services mentioned in the said Accompt, *viz.* for Warrants to the Assessors, Venires and Whipping.

Sent up for Concurrence.

On the Accompt of the Treasurer for the County of *Essex*, Read, Accepted, and accordingly *Ordered*, That the same be allowed, save *Twenty eight Shillings* paid Mr. Sheriff *Marston*, for sending out Venires, (which said Sum the said Sheriff is directed to pay back into the Treasury of the said County. Sent up for Concurrence.

On the Accompt of the Treasurer for the County of *Hampshire*, Read, Accepted, and accordingly *Ordered*, That the said Treasurer be and hereby is directed to lay before this Court, his Vouchers for the several Articles mentioned in the Accompt, that so the Court may pass upon the same.

Then the House Adjourned till Three o' Clock Afternoon.

Post Meridiem.

Ordered, That Mr. *Shove* go up with a Message to the Honourable Board, to enquire whether they had passed on the Vote of the 20th Instant respecting excessive Fees. Who returned he had delivered the Message, and was informed, that they had it under Consideration.

A Petition of *John King* and others, Inhabitants of a certain Tract of Land lying between the Towns of *Springfield*, *Brookfield*, *Brimfield*, and the Lands called the *Equivalent Lands*, in the County of *Hampshire*, praying, That the said Tract of Land may be granted them, and that they may be indulged with the Privileges that such Places have, for Reasons mentioned. Read, and the Question put, *Whether the Prayer of the Petition be granted?* and it passed in the Negative.

A Petition of *Gillam Phillips Esq*; Administrator of the Estate of *Henry Phillips*, late of *Boston*, Gentleman, deceased, praying, That he may be enabled (by a short Day) to file his Reasons of Appeal to the Governour and Council, from a Decree of the Judge of Probate for the County of *Suffolk*, respecting his Administration on the said deceased's Estate, notwithstanding [106] his failure of so doing in the proper Season of it, for Reasons mentioned.

Read, and *Ordered*, That the Petitioner serve the adverse Party with a Copy of the Petition, that so he shew Cause, if any he has, on *Tuesday* next, if this Court be then sitting, why the Prayer thereof may not be granted.

Sent up for Concurrence.

Mr. *Shove* from the Committee appointed the 26th Instant, to consider of the Memorial of *Caleb Blogget*, the Petition of *Joseph Underwood*, and the Memorial of *George Brown* and others, Reported, Read, Accepted, and accordingly *Ordered*, That the Consideration of the said Memorials, and the several Petitions therein referred to, as also any other Petitions respecting the Land within mentioned, be and hereby are referred to the Session of this Court in *May* next; and that in the mean Time Mr. *Samuel Chandler* and Mr. *John Longley*, with such as shall be joined by the Honourable Board, be a Committee carefully to view the Land from *Souhegan River* and *Brenton's Farm* so called, on both sides of *Merrimack River* to *Suncook Township*, viz. Three Miles on the *East* side of the said River, and Four Miles on the *West* side thereof, at all places where it may be without infringing upon the *Narraganset Town*, and by a Surveyor and Chain-Men under Oath, survey the same, and present a Plan thereof to this Court at their said Session, as also Report the Quantity, Quality and Conveniency thereof, and how many Towns it will conveniently make: And if they find any Person or Persons improving or preparing to settle the said Land, without Leave from this Court, that they do in their Name forbid their Proceeding or continuing in such Improvement.

Sent up for Concurrence.

A Petition of *Joseph Mallinson*, praying the Relief of this Court, for Reasons therein mentioned.

Read, and committed to the Committee for Petitions.

A Bill intituled, *An Act for supplying the Treasury with the Sum of Thousand Pounds, for the paying of Francis Wilks Esq; for his past Services as Agent for this Province, and to enable him further to proceed and sollicit the Affairs of this Government.* Read a First Time.

Ordered, That the Committee of this House appointed the 2d of *December* last, to consider of the Subject Matter of a Letter of the 14th of *September* last, from Mr. Agent *Wilks*, be directed forthwith to meet the Committee of the Honourable Board join'd on that Affair, and Report as soon as may be.

A Petition of *Nathaniel Cunningham* of *Boston*, Merchant, Attorney to *Samuel Swasey* of *Salem*, Shipwright, setting forth sundry Difficulties he has met with, and doth still labour under, in prosecuting an Action by him brought at His Majesty's Inferiour Court of Common Pleas held at *Boston*, for the County of *Suffolk*, this Instant *January*, against the Honourable *Nathaniel Byfield*, Judge of Vice-Admiralty, praying Relief in the Premises, as the Court shall see meet. Read.

Then the House Adjourned till to Morrow Morning Ten o' Clock. [107]

Sabbati Die 29. Januarij, A. D. 1731.

THE Bill for supplying the Treasury with the Sum of *Thousand Pounds*, for paying of *Francis Wilks Esq;* for his past Services as Agent for this Province, and to enable him further to proceed and sollicit the Affairs of this Government.

Read a second Time.

Ordered, That Mr. *Cooke*, Mr. *Lynde*, Mr. *Welles* and Mr. *Thomas Cushing*, be a Committee to examine the several Accompts of Mr. Agent *Wilks*, and Report.

The Petition of *Nathaniel Cunningham*, entred Yesterday, Read again, and *Ordered*, That the Petitioner serve *Thomas Palmer* and *Adam Winthrop Esqrs.* Two of His Majesty's Justices of the Inferiour Court of Common Pleas for the County of *Suffolk*, with a Copy of the Petition, that so they may shew Cause, if any they have, on *Tuesday* next, at Three o' Clock in the Afternoon, why the Prayer thereof may not be granted.

Ordered, That Mr. *Welles* go up with a Message to the Honourable Board, to acquaint them, that the House propose to adjourn till *Monday* next, three o' Clock Afternoon, and desire that they would adjourn to the same Time. Who returned that he had delivered the Message.

Then the House Adjourned till *Monday* next, Three o' Clock in the Afternoon.

Lunæ Die 31. Januarij, A. D. 1731.

O*rdere*d, That Mr. Choat go up with a Message to the Honourable Board, to enquire whether they have passed on the Vote of the 20th Instant, to prevent the taking of excessive Fees: Who returned he had delivered the Message, and was informed by Mr. Secretary, the Board had non-concurred the same.

Ordered, That Major Gerrish go up with a Message to the Honourable Board, to enquire whether they had passed on the Address to his Majesty, respecting the Lands at the *Eastward*: Who returned he had delivered the Message, and was informed, the same had not been passed on.

In the House of Representatives, January 31. 1731.

Whereas this House on the 20th Instant, sent up a Vote to the Honourable Board for Concurrence, to prevent the Civil Officers and others demanding and taking excessive Fees, which they were pleased on Saturday last to Non-concur; Inasmuch as there are of late strong Attempts made by some few of the Officers within this Government, to accomplish and what in them lies to establish such unwarrantable Practices as the said Vote was designed to prevent; should this Court, being sufficiently advised thereof, remain silent, and suffer such Extortion, this House apprehend it will tend to the unspeakable Disquiet of the [108] good People here, and be very injurious to the Estates of many of His Majesty's loving Subjects:

The House therefore move to have a Conference with the Honourable Board, on their non-concurring the aforesaid Vote.

Sent up for Concurrence.

John Osburn Esq; brought down from the Honourable Board, the Address to His Majesty, respecting the Lands at the *Eastward*, pass'd in Council, viz. In Council, January 31. 1731. Read and concurred, with the Amendments.

Sent down for Concurrence. Read and Concurred.

Also the Letter to Mr. Agent, for accompanying the said Address, pass'd in Council, viz. In Council, January 31. 1731. Read and concurred with the further Amendments.

Sent down for Concurrence. Read and concurred.

Ordered, That Mr. Shove go up with a Message to the Honourable Board, to enquire whether they had pass'd on the Vote of this Afternoon for a Conference; and that in Case they had so done, and concurred the same, to acquaint the Board, that it is the desire of the House, the Conference might be had to Morrow at Eleven o' Clock in the Forenoon. Who returned

he had delivered the Message, and was informed the Board had Read said Vote, but not pass'd upon it.

Then the House Adjourned till to Morrow Morning Ten o' Clock.

Martis Die 1. Februarij, A. D. 1731.

THE Bill for supplying the Treasury with the Sum of *Three Thousand Eight Hundred Pounds*, for the paying of *Francis Wilks Esq*; for his past Services as Agent for this Province, and to enable him to proceed and solicit the Affairs of this Government: Read a Third Time, and pass'd to be Ingrossed.

Sent up for Concurrence.

Ordered, That Major *Brattle* go up with a Message to the Honourable Board, to know whether they had pass'd on the Vote of Yesterday for a Conference.

Who returned he had delivered the Message, and was informed the Board had not pass'd thereon.

A Question was put, *Whether the Justices of the Inferiour Courts of Common Pleas in the respective Counties within this Province, have Authority by Law to give Orders to and oblige Constables to attend their Courts, and direct them under Oath to keep Juries that have Causes between Man and Man committed to them?*

Resolved in the Negative Nemine Contradicente, and that the Law ought so to be understood.

Sent up for Concurrence.

Samuel Thaxter Esq; brought down from the Honourable Board, the Pe-[109]tition of *Gillam Phillips Esq*; entred the 28th of *January* last, pass'd in Council, viz. In Council, *February 1. 1731*. Read again, together with the Answer of *Arthur Savage Esq*; and the same being fully considered, *Ordered*, That this Petition be dismissed.

Sent down for Concurrence.

Read and concurred.

Ezekiel Lewis Esq; came down with a Message from the Honourable Board, to acquaint the House, that they had non-concurred their Vote for a Conference, and had sent down a Proposal which they hoped would answer the whole, which he laid on the Speaker's Table, and then withdrew: The same is as follows, viz.

In Council, *February 1. 1731*.

WHereas for many Years last past, the Bills of Credit established on this Province, have by Law and constant Usage, answered as well the publick Debts and Taxes on the Government, as all private Debts, (Specialties and express Contracts only excepted;

Voted, That it is contrary to the main and good Design of making and giv-

ing a Currency to the said Bills of Credit, and would greatly disturb the Quiet, and hurt the Interest of the Province, for any of the Courts of Justice within this Province, or the Officers thereunto belonging, to refuse the said Bills of Credit according to their respective Denominations, when tendered for the Satisfaction of Fees or Court Charges.

Sent down for Concurrence. Read and concurred, with Amendments.

Sent up for Concurrence.

Then the House Adjourned till Three a Clock Afternoon.

Post Meridiem.

Ordered, That Mr. Choat go up with a Message to the Honourable Board, to desire that they would dispatch the Affairs lying before them, that so the Court may rise this Week, if His Excellency pleases. Who returned he had delivered the Message.

Mr. Speaker communicated to the House a Letter from *Adam Winthrop* Esq; signifying, that pursuant to their Order of the 29th of *January* past, he had been served with a Copy of Mr. *Cunningham's* Petition.

Also a Letter from *Thomas Palmer* Esq; signifying the like, both of which were Read, and after some Debate,

Ordered, That the Committee for Petitions, take under Consideration the Subject Matter of the Prayer of the said Petition, and Report as soon as may be, what they judge proper for this Court to do thereon, and that Mr. *Welles*, Mr. *Lynde*, Mr. *Thomas Cushing* and Mr. *Thatcher* be joined in the Affair.

And *Ordered*, That *Adam Winthrop* Esq; be acquainted that this House have received his said Letter, (wherein they observe Words affrontive to them) and that they have appointed a Committee for the Purpose aforesaid, before whom he may have an Opportunity of being heard, (if he see Cause) at Ten o' Clock to Morrow Morning, in Order to vindicate himself from what is alledged against him in the said Petition. And that *Thomas [110]* *Palmer* Esq; be likewise notified to appear, if he see cause, for the same Purpose; as also Mr. *Nathaniel Cunningham*, that he may be then present to support the Matters by him alledged in his said Petition.

Ebenezer Burrel Esq; brought down from the Honourable Board, a Report of a Committee of both Houses appointed the 21st. of *January* last, to consider of the Memorial of *Henry Rolfe* Esq; pass'd in Council, viz. In Council, *February* 1. 1731. Read, and *Ordered*, That this Report be accepted, with the Amendments.

Sent down for Concurrence. Read, and concurred.

Then the House Adjourned till to Morrow Morning Ten a Clock.

Mercurij Die 2. Februarij, A. D. 1731.

AN Ingrossed Bill intituled, *An Act for supplying the Treasury with the Sum of Three Thousand Eight Hundred Pounds, for the paying of Francis Wilks Esq; for his past Services as Agent for this Province, and to enable him further to proceed and sollicit the Affairs of this Government.*

Read, and pass'd to be Enacted.

Samuel Thaxter Esq; brought down from the Honourable Board, the Draught of a Letter to Mr. Agent *Wilks*, respecting the Supply of the Treasury, and the Emission of Bills of Credit, pass'd in Council, *viz.* In Council, *February 1. 1731.* Read and accepted.

Sent down for Concurrence. Read and concurred.

Also the Vote of Yesterday, respecting Fees, pass'd in Council, *viz.* In Council, *February 1. 1731.* Read and concurred, with further Amendments, as taken into a new Draught, which is as follows, *viz.*

WHereas for many Years last past, the Bills of Credit established on this Province, have by Law and the general Practice, answered as well the publick Debts and Taxes of the Government, as Fees of Courts and all private Debts, (Specialties and express Contracts in Writing always excepted)

Voted, That it is contrary to the main and good Design of the several Acts and Laws of this Province, for making and giving a Currency to the said Bills of Credit, and would greatly disturb the Quiet and hurt the Interest of the Province, for any of the Courts of Justice within this Province, or the Officers thereunto belonging, to refuse the said Bills of Credit, according to their respective Denominations, when tendred for the Satisfaction of the Fees of Court charges.

Sent down for Concurrence. Read and concurred.

Ebenezer Burrel Esq; brought down from the Honourable Board the following *Vote, viz.*

In Council, *February 2. 1731.*

WHereas a Bill has been passed this Session by the House of Representatives, and concurred by the Council, for making and emitting [111] the Sum of *Fifty Thousand Pounds* in Bills of Credit, to be redeemed with *Silver* and *Gold*, which Bill when brought into an Act, may be of great Advantage to this Province; and whereas His Excellency has not seen meet to give His Consent thereto, as apprehending it not agreeable to His Majesty's Pleasure;

Voted, That His Excellency be earnestly desired to take such Measures, as that He may be enabled to give His Consent to the said Bill as soon as may be. Sent down for Concurrence. Read.

Mr. Secretary came down from His Excellency with the following Message, viz.

Mr. Speaker, *His Excellency directs this Honourable House to attend Him in the Council-Chamber.*

Mr. Speaker and the House went up accordingly, and His Excellency gave His Assent to the Acts hereafter mentioned, viz.

An Act to prevent Persons concealing the Small Pox.

An Act for authorizing Commissioners to determine the Western Boundary of that part of this Province formerly the Colony of Plimouth, and the Colony of Rhode-Island adjoining.

An Act in further Addition to an Act intituled, An Act for the Relief of Ideots and distracted Persons; made and passed in the Sixth Year of the Reign of King William and Queen Mary.

An Act for supplying the Treasury with the Sum of Three Thousand Eight Hundred Pounds, for the paying of Francis Wilks Esq; for his past Services as Agent for this Province, and to enable him further to proceed and solicit the Affairs of this Government.

An Act for making a new Town in the County of Worcester, by the Name of Dudley.

Which being done, His Excellency ordered the Secretary to Read the following Message to the House, viz.

Gentlemen of the House of Representatives,

IAm sorry to observe you have been sitting now upwards of Nine Weeks, to the great Charge and Burden of this People, without any just Care for the payment of the publick Debts of this Province.

As to the Bill you mention, in your Message to me of the 20th of *January*, which was pass'd this Session by your House, and concurr'd by His Majesty's Council, it seems to me hardly worth the while so often to repeat it, or for any part of this Legislature so fruitlessly to spend the publick Money, as in the passing of a Bill, which you well know His Majesty's Council (upon the Oath they have taken as Counsellors) have long since declared I could not sign, and at the same time conform my self to His Majesty's Royal Instruction.

You have, *Gentlemen*, once and again address'd His Majesty to take off the Force of this Instruction; and must I repeat what your Agent writes you? *The Lords Commissioners for Trade and Plantations, have under their [112] Consideration that part of the Address which relates to the Supply of the Treasury; I shall do all I can to expedite the Matter agreeable to the Address, tho' I have no Encouragement at present, that it will be granted. And again, I have had Opportunity of discoursing with some who will be Judges in the Matter, and find them very strongly against it at present.*

You will please to remember, that the present Controversy is not with me, but with the King, to whom I have the great Honour of being a faithful Servant, as His Majesty has been pleased to declare in His Royal Leave for my accepting the Money you granted for my Support, being in these Words, *And more particularly, that you have hitherto strictly adher'd to the Tenour of Our Instructions.*

When I have said these Things, I am obliged publicly to declare, That you have treated His Majesty with great Indecency, in your Message to me, by insinuating, that His Majesty renders it impossible to have the publick Debts paid, "without obliging you to betray your Trust, by prostituting the "Money in the Treasury to the unaccountable and uncontrollable Will and "Pleasure of His Governour and Four of His Council, to be pick'd out of "Twenty Eight.

The Fault of the House in refusing to provide for the Payment of the just Debts of the Province, by supplying the Treasury according to the plain Meaning and Intention of the Royal *Charter*, is doubled by their endeavouring to cast the Odium on His Majesty, whose Instruction to me is perfectly agreeable to the *Charter*.

You have, *Gentlemen*, endeavoured to amuse your selves, and affright others with what methinks is not very Terrible, since you are not able to produce a single Instance of the Nature you suggest, even from the Time of the Grant of this *Charter*.

I agree with you, that the Royal *Charter* makes Seven Counselluors a *Quorum*, and at the same time it gives the General Court the Power of choosing the whole Council; it should therefore be their especial Care to choose such as will faithfully discharge that Trust.

You have had so long an Experience of my steady Adherence to my Royal Master's Orders, that I am surpriz'd at your repeated Efforts and Endeavours to induce me to fly in the Face of His Majesty (by making a Breach on His Instructions) that Part I must leave to those who seem too hasty to bring Anarchy and Confusion on this People.

I perfectly agree with you, that no one can be compelled to serve this Government, without being justly and duly paid, and I am afraid it will look mean and dishonourable in the Eye of the whole World, that you have (this Session) taken effectual Care for the Payment of your daily Service in the General Court, but have (for near Twelve Months past) intirely neglected the Payment of all the Garrisons, from whence I have continual Complaints, that the Soldiers have hardly wherewith to cover their Nakedness, or to defend them from the Extremeties of the Weather, and their Wives and Children are Starving, while you are withholding their just [113] Due: How reasonably, I say, will they cry out on you of Wrong and Oppression, while you have taken such

ample Care of your selves, but not the least of those who are continually exposing their own Lives, for the Defence and Protection of yours, and your Estates!

Certainly it cannot be thought Reasonable, that they (and all others) must be kept out of their just Dues, till you can perswade His Majesty to say, as in your Message, That what He has directed to in Supply of the Treasury, *Is inconsistent with the Charter*_____ when He has already said, That what you desire, *is expressly contrary to it*. I am afraid, long before you will be able to obtain any thing of this Nature, the Officers and Soldiers will quit their Posts, the Province be left naked and defenceless, and the Garrisons destroy'd, or possess'd by our troublesome Neighbours.

And since you seem to be come to a Resolution no longer to defend and support the Government, or to protect the Inhabitants thereof, I shall in Duty to the KING, and from a tender Regard to His People committed to my Care, faithfully transmit to His Majesty, the full Account of this Matter.

Gentlemen, You having made it necessary, I must enter more particularly into the Supply of the Treasury, as I find it in the *Charter*, viz. *And We do for Us, Our Heirs and Sussessors, give and grant, that the said General Court or Assembly, shall have full Power and Authority to impose and levy proportionable and reasonable Assessments, Rates and Taxes upon the Estates, &c. To be issued and disposed of by Warrant under the Hand of the Governour of Our said Province for the Time being, with the Advice and Consent of the Council, for Our Service, in the necessary Defence and Support of Our Government of Our said Province or Territory, and the Protection and Preservation of the Inhabitants there, According to such Acts as are, or shall be in Force within Our said Province.*

This Clause plainly distinguishes the Power given to the General Court, from that which is given to His Majesty's Governour: The General Court has Power of imposing and levying proportionable and reasonable Taxes, &c. for His Majesty's Service in the necessary Defence and Support of His Government, &c. The Governour has the Power of issuing and *disposing*, in doing whereof he must have the Advice and Consent of the Council.

The Governour is to issue and *dispose*, not to issue according to the Disposition, or Allowance of the General Court. The Word *Dispose*, necessarily implies not only Power but Judgment, which can't be exercised where Accompts are to be allow'd by others. The Council are to advise, not whether the General Court have disposed or allowed of such a Sum; for in such Case there needs no Advisement or Consultation; but to advise whether the Money to be disposed of be for the necessary Support and Defence of His Majesty's Government, &c. and whether the Money be according to the Acts in Force within the Province. The General Court has Power to make Acts or General Rules in Matters of Money; The Governour with Advice of the Council, is

to apply those General Rules to particular Cases, but the General Court cannot make an Act to take away from the Governour the Power of issuing, or *disposing* of Money, or to take from [114] the Council the Right of advising and consenting to such issuing or *disposing*, which would be done by inserting the Clause (which the House insist upon) in the Supply of the Treasury, *viz.* For the Payment, &c. of Accompts, *allowed and passed upon for Payment by this Court.* If the Clause in the *Charter* had run thus, *viz.* That the General Court shall have full Power to impose reasonable Taxes, &c. *To be disposed of by the General Court*, and to be issued by Warrant under the Hand of the Governour, &c. every Body would then have said, That it was plain from those Words (To be disposed of by the General Court) that the Assembly had the Examination and Allowance of all Accompts: How much more reasonable is it then to conclude, that the Governour and Council ought to have the Examination and Allowance of Accompts, since the *Charter* gives to the Governour the Power of disposing the publick Money, by and with the Advice and Consent of the Council.

I think every one that will impartially consider the *Charter*, must readily own, that His Majesty's Instruction to me respecting the Supply of the Treasury, is exactly calculated thereto: Nor do I believe any new Way could be found (if the General Court had it in their Power) for the better safety of the publick Monies; and the Method which the House may now Practice, was done for near Thirty Years together, to great Peace and Satisfaction, without any unreasonable Surmizes of Chimerical Imbezlements (as now suggested) Tho' really, *Gentlemen*, I don't take any Thing of this kind to be the true Foundation of the Difficulties you would raise on this Head; but I am afraid it will be attributed rather to a desire of Power in the House of Representatives, which the Royal *Charter* has plainly and fully reserv'd to the Governour and Council, and which I believe His Majesty will not suffer to be wrested out of their Hands.

As I have observ'd before, I am intirely out of the Question, unless my Obedience to the King may be thought culpable: This Dispute therefore being between His Majesty and you, I should have been glad you could have contented your selves with endeavouring to justify your Neglect of providing for the Payment of the publick Debts of the Province, by showing from the *Charter*, (had you been able) that the General Court ought to have the passing or allowing of Accompts, or the Disposal of the publick Money, and to have spared the Disrespect you have shown (in the whole Tenour of your Message) to His Majesty.

To prevent your being deceived or deluded your selves, as well as all His Majesty's good Subjects of this Province, I have thought it proper to set this Matter in a true Light, and to lay the Fault of not supplying the Treas-

ury at your Door, & that in violation of the publick Faith, & the good and wholesome Laws of this Province: For there is not a single Member of your House, but well knows the King has strictly commanded me not to give my Assent to any such Bill as is (this Session) pass'd by you, and concurred by the Council, and which His Majesty has declared at the same Time, *To be expressly contrary to the Tenour of the Charter of this Province.*

February 2d. 1731-2.

J. BELCHER.

Which being finished, Mr. Secretary, by Order of His Excellency, declared, That it was His Excellency's Pleasure, that the Great and General Court or Assembly should be prorogued to Wednesday the Twenty Ninth Day of March next, at Ten o' Clock in the Forenoon, and that the same was accordingly prorogued.

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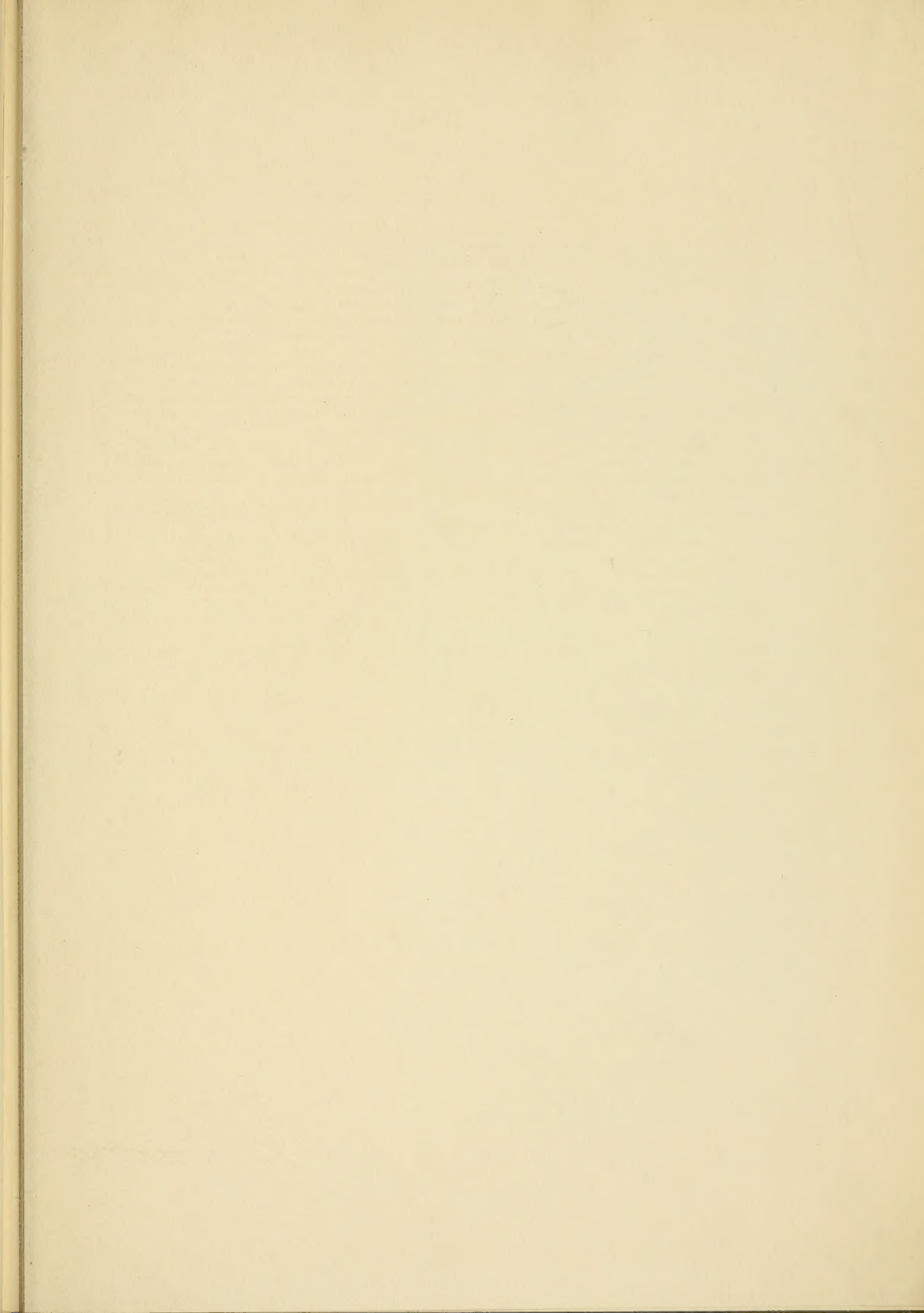
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